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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 548, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.655 (Lemon Regulation 548; 19 F. R. 4714) are hereby amended to read as follows:

(ii) District 2: 500 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 5, 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 54-6177; Filed, Aug. 10, 1954; 8:46 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. F]

PART 206—TRUST POWERS OF NATIONAL BANKS

INTER-TRUST TRANSFER OF PARTICIPATIONS

Section 206.112 is added to read as follows:

§ 206.112 *Inter-trust transfer of participations.* (a) The Board of Governors has been presented with two questions with respect to the inter-trust transfer of participations in a common trust fund.

(b) In the first case, a donor wishes to combine two trusts, both revocable and created by him at different times, all assets of each having been invested in the common trust fund. The trustee wishes to consummate this transaction by transfer of the units of participation in the common trust fund rather than by liquidation and reinvesment of such units.

(c) In the second case, the beneficiary of a terminating testamentary trust, invested in the common trust fund, wishes to create a living trust with his distributable share. In carrying out this transaction, the trustee wishes to transfer units of participation rather than liquidate them and reinvest the proceeds in the living trust.

(d) The only provision of this part pertaining to this matter is the second sentence of subparagraph (3) of para-

(Continued on p. 5039)

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

graph (a) of § 206.17, which provides that "No bank administering a Common Trust Fund shall issue any document evidencing a direct or indirect interest in such Common Trust Fund in any form which purports to be negotiable or assignable."

(e) The purpose of this provision was to minimize the possibility of common trust funds being used as investment trusts, the shares of which ordinarily are negotiable or assignable, and to preclude any evidence of participation in such funds reaching the hands of the general public. It was not the intent of this provision to prohibit, in all instances, inter-trust transfers of participations in a common trust fund.

(f) The Board is of the opinion, therefore, that, in these two cases, the transfer of units in a common trust fund does not violate the spirit and purpose of this part and is not prohibited. However, it should be borne in mind that any trust which acquires, by inter-trust transfer, an investment in a common trust fund must be one created and used for bona fide fiduciary purposes.

(g) The possible tax aspects of the cases submitted have not been explored, but it is assumed that a bank will take appropriate steps to satisfy itself that transactions of this kind would not be used to accomplish an improper avoidance of tax liability.

(Sec. 11 (1), 38 Stat. 262; 12 U. S. C. 248 (1). Interpret or apply secs. 2–4, 24 Stat. 18, 19, sec. 1, 40 Stat. 1043, as amended, sec. 1, 44 Stat. 1225, as amended, sec. 11 (k), 38 Stat. 261, as amended, 53 Stat. 68, as amended; 12 U. S. C. 30–33, 34 (a), 248 (k) 26 U. S. C. 169)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 54–6194; Filed, Aug. 10, 1954; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. SR–407]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

PART 4a—AIRPLANE AIRWORTHINESS

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

SPECIAL CIVIL AIR REGULATION; BASIS FOR APPROVAL OF MODIFICATION OF AIRPLANE TYPES DOUGLAS DC–3 AND LOCKHEED L–18

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 6th day of August 1954.

On October 7, 1953, the Civil Aeronautics Board adopted Special Civil Air Regulation SR–398, effective November 11, 1953 (18 F. R. 6448), which provided a basis for approval of modifications of DC–3 and L–18 airplanes, but limited the scope of that regulation to increases in engine take-off power limitation up to 1,350 horsepower per engine, to installation of engines of not more than 1,830 cubic inches displacement, and to the establishment of new maximum certificated weights not in excess of 26,900 pounds for the DC–3 and 19,500 pounds for the L–18. This regulation expands the scope of SR–398 to cover approval of additional modifications and maximum certificated weights for DC–3 and L–18 airplanes. In order to have all the regulations applicable to modifications and weight increases of the DC–3 and L–18 appear in one document, this regulation embodies herein the provisions of SR–398 and the additional regulations which are made applicable to these airplanes. SR–398 is thus superseded by this regulation.

The Douglas DC–3 and the Lockheed L–18 airplane types were originally designed and certificated on the basis of airworthiness standards in effect prior to 1940. These were contained in Bulletin 7–A promulgated by the former Bureau of Air Commerce and in the initial Part 04 of the Civil Air Regulations which was basically a recodification of Bulletin 7–A. Subsequently the Civil Aeronautics Board promulgated and kept up-to-date newer airworthiness requirements contained in Parts 3, 4a, and 4b of the Civil Air Regulations, the latter two parts containing rules for transport category airplanes. The DC–3 and L–18 are the only large airplane types now in general use in the United States which retain the old standards as a basis for their certification.

For a number of years after the initial certification of these two airplane types relatively few important design changes were introduced, and the airplane specifications regarding maximum certificated weights remained practically unchanged. More recently, however, several operators have made significant design changes in DC–3 and L–18 airplanes and it has become apparent that with the continued use of these airplanes, more operators are considering design changes, such as the installation of higher-powered engines and increases in maximum certificated weights. Although the basis for certification of these airplanes remains unchanged, the Administrator of Civil Aeronautics in some instances has made changes to the pertinent aircraft specifications by applying certain provisions of Part 4a of the Civil Air Regulations. The Board does not consider Bulletin 7–A and the early versions of Part 04 adequate regulatory bases upon which further modifications to these airplane types can be approved by the Administrator.

The provisions of this Special Civil Air Regulation provide the basis for approval by the Administrator of future modifications of individual DC–3 and L–18 airplanes. The provision in section 1 of SR–398 permitting the Administrator to waive the requirements of the regula-

tion when it was shown that a particular airplane was in the process of modification at the time that regulation became effective, has been omitted from this regulation because SR–398 has been in effect for sufficient time to eliminate the need for waiver authority by the Administrator.

This regulation continues the general provisions of SR–398 which required that modifications of DC–3 and L–18 airplanes be accomplished in accordance with the provisions of either Part 4a or Part 4b of the Civil Air Regulations applicable to the modification being made, and which were in effect on September 1, 1953, unless the applicant elects to make the modification in accordance with Part 4b as in effect on the date of modification. This regulation requires, also, that in electing to perform a modification under either Part 4a or Part 4b, each specific modification must be accomplished in accordance with all of the provisions of either Part 4a or Part 4b related to the particular modification. It does not permit selection of certain provisions of Part 4a and other provisions of Part 4b. For example, if it were desired to make a modification of the landing gear, it could be made under either Part 4a or Part 4b, but not partially under Part 4a and partially under Part 4b. This also applies when the applicant elects to make a modification in accordance with the provisions of Part 4b in effect on the date of modification in lieu of Part 4a or Part 4b as in effect on September 1, 1953.

In addition to the general provisions for modification, this regulation contains the specific requirements of SR–398 with respect to approval of increases in take-off power limitation and the installation of new type engines in DC–3 and L–18 airplanes and provides some additional requirements. The intent of these specific requirements is to ensure that such changes will not result in a decrease in safety. This is in general consistent with the policy followed by the Administrator in approving changes made prior to the adoption of SR–398.

In the case of an increase in the take-off power limitation beyond 1,200 horsepower per engine, but not to exceed 1,350 horsepower per engine, this regulation continues the provisions of SR–398 which required that the increase in power shall not adversely affect the flight characteristics of the airplane. The intent of this provision is to permit increases in take-off power only if the applicant can show that the use of the increased power does not result in deterioration of the flight characteristics of the airplane when compared to its previous characteristics. It is believed, however, that increases in take-off power limitation above 1,350 horsepower per engine may result in changes in the engine installation and the airplane's flight characteristics to such an extent that the basis for approval of increases in horsepower provided in SR–398 is no longer appropriate. Since Part 4b represents the most recent design practices, this regulation provides that the take-off power limitation may be increased beyond 1,350 horsepower if compliance is shown with Part 4b at the increased power with respect to the engine installation provisions, the flight characteristics, and the ground handling requirements.

This regulation contains the provisions of SR–398 which established either Part 4a or Part 4b as the basis for approving the installation of engines not exceeding 1,830 cubic inches displacement which necessitate major modification or redesign, on the condition that there is no decrease in engine fire prevention and protection when compared to the prior engine installation. Since the use of engines with more than 1,830 cubic inches displacement will necessitate extensive modification of the entire engine installation, it appears necessary that such an installation be accomplished in accordance with the most recent airworthiness provisions of the regulations. This regulation, therefore, requires that the installation of these larger engines be accomplished in accordance with the requirements of Part 4b of the Civil Air Regulations.

This regulation also continues the provisions of SR–398 which permitted establishment of new maximum certificated weights not to exceed 26,900 pounds for the DC–3 and 19,500 pounds for the L–18. Where such new maximum weights are desired, the airworthiness certificate may be amended and the maximum weights established in accordance with the transport category performance requirements of either Part 4a or Part 4b, subject to the structural limitations of the airplane. With respect to maximum weights in excess of 26,900 pounds for the DC–3 and 19,500 pounds for the L–18, however, it is considered that such increases in weight may seriously affect not only the structural limitations, but also the flight and ground handling characteristics of the airplane. This regulation requires that weights in excess of 26,900 pounds for the DC–3 and 19,500 pounds for the L–18 shall be established in accordance with the performance, structural, flight characteristics, and ground handling requirements of Part 4b.

It should be noted that in certain cases, showing of compliance is required on the basis of Part 4b of the Civil Air Regulations. In some instances, literal compliance with the provisions of Part 4b may be extremely difficult to accomplish and would not contribute materially to the objective sought. In such cases this regulation provides that the Administrator may take into account the experience gained with the DC–3 and L–18 airplanes. Where such experience justifies it, he is authorized to accept in lieu of the literal provisions of Part 4b such measures of compliance as he finds will effectively accomplish the basic objectives.

SR–398 also required, as a basis for approval of new maximum certificated weights, that the applicant provide flight manual material containing information which will permit the application of the transport category performance operating limitations in the operation of the airplane. This Special Civil Air Regulation continues this requirement. In view of the fact that an applicant for new maximum certificated weights has such weights established in accordance with the transport category performance requirements of either Part 4a or Part 4b, this regulation also provides that an airplane having such newly established weights shall be considered a transport category airplane in applying the operating rules of the Civil Air Regulations. As a result, therefore, such airplanes when used in air carrier passenger service must be operated in accordance with the transport category performance operating limitations, but when used in other types of services the transport category performance operating limitations are not applicable as at present. Consideration is being given, however, to the problem of making them applicable to all types of operations conducted in transport category airplanes. If such rules are established, then all DC–3 and L–18 airplanes, having certificated weights increased in accordance with SR–398 or this regulation, will have to comply with these rules also. In the meantime, it is recommended that operators, whose airplanes are approved for increased weights by reason of SR–398 or by this regulation, make use of this information to aid in assuring safety in their operations.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective September 10, 1954:

1. *Applicability.* Contrary provisions of the Civil Air Regulations regarding certification notwithstanding,[1] this regulation shall provide the basis for approval by the Administrator of modifications of individual Douglas DC–3 and Lockheed L–18 airplanes subsequent to the effective date of this regulation.

2. *General modifications.* Except as modified in sections 3 and 4 of this regulation, an applicant for approval of modifications to a DC–3 or L–18 airplane which result in changes in design or in changes to approved limitations shall show that the modifications were accomplished in accordance with the rules of either Part 4a or Part 4b in effect on September 1, 1953, which are applicable to the modification being made: *Provided*, That an applicant may elect to accomplish a modification in accordance with the rules of Part 4b in effect on the date of application for the modification in lieu of Part 4a or Part 4b as in effect on September 1, 1953: *And provided further*, That each specific modification must be accomplished in accordance with all of the provisions contained in the elected rules relating to the particular modification.

3. *Specific conditions for approval.* An applicant for any approval of the following specific changes shall comply with section 2 of this regulation as modified

[1] It is not intended to waive compliance with such airworthiness requirements as are included in the operating parts of the Civil Air Regulations for specific types of operation.

by the applicable provisions of this section.

(a) *Increase in take-off power limitation—1,200 to 1,350 horsepower.* The engine take-off power limitation for the airplane may be increased to more than 1,200 horsepower but not to more than 1,350 horsepower per engine if the increase in power does not adversely affect the flight characteristics of the airplane.

(b) *Increase in take-off power limitation to more than 1,350 horsepower.* The engine take-off power limitation for the airplane may be increased to more than 1,350 horsepower per engine if compliance is shown with the flight characteristics and ground handling requirements of Part 4b.

(c) *Installation of engines of not more than 1,830 cubic inches displacement and not having a certificated take-off rating of more than 1,350 horsepower.* Engines of not more than 1,830 cubic inches displacement and not having a certificated take-off rating of more than 1,350 horsepower which necessitate a major modification or redesign of the engine installation may be installed, if the engine fire prevention and fire protection are equivalent to that on the prior engine installation.

(d) *Installation of engines of more than 1,830 cubic inches displacement or having certificated take-off rating of more than 1,350 horsepower.* Engines of more than 1,830 cubic inches displacement or having certificated take-off rating of more than 1,350 horsepower may be installed if compliance is shown with the engine installation requirements of Part 4b: *Provided,* That where literal compliance with the engine installation requirements of Part 4b is extremely difficult to accomplish and would not contribute materially to the objective sought, and the Administrator finds that the experience with the DC–3 or L–18 airplanes justifies it, he is authorized to accept such measures of compliance as he finds will effectively accomplish the basic objective.

4. *Establishment of new maximum certificated weights.* An applicant for approval of new maximum certificated weights shall apply for an amendment of the airworthiness certificate of the airplane and shall show that the weights sought have been established, and the appropriate manual material obtained, as provided in this section.

NOTE: Transport category performance requirements result in the establishment of maximum certificated weights for various altitudes.

(a) *Weights—25,200 to 26,900 for the DC–3 and 18,500 to 19,500 for the L–18.* New maximum certificated weights of more than 25,200 but not more than 26,900 pounds for DC–3 and more than 18,500 but not more than 19,500 pounds for L–18 airplanes may be established in accordance with the transport category performance requirements of either Part 4a or Part 4b, if the airplane at the new maximum weights can meet the structural requirements of the elected part.

(b) *Weights of more than 26,900 for the DC–3 and 19,500 for the L–18.* New maximum certificated weights of more than 26,900 pounds for DC–3 and 19,500 pounds for L–18 airplanes shall be established in accordance with the structural, performance, flight characteristics, and ground handling requirements of Part 4b: *Provided,* That where literal compliance with the structural requirements of Part 4b is extremely difficult to accomplish and would not contribute materially to the objective sought, and the Administrator finds that the experience with the DC–3 or L–18 airplanes justifies it, he is authorized to accept such measures of compliance as he finds will effectively accomplish the basic objective.

(c) *Airplane flight manual—performance operating information.* An approved airplane flight manual shall be provided for each DC–3 and L–18 airplane which has had new maximum certificated weights established under this section. The airplane flight manual shall contain the applicable performance information prescribed in that part of the regulations under which the new certificated weights were established and such additional information as may be necessary to enable the application of the take-off, en route, and landing limitations prescribed for transport category airplanes in the operating parts of the Civil Air Regulations.

(d) *Performance operating limitations.* Each airplane for which new maximum certificated weights are established in accordance with paragraphs (a) or (b) of this section shall be considered a transport category airplane for the purpose of complying with the performance operating limitations applicable to the operations in which it is utilized.

5. *Reference:* Unless otherwise provided, all references in this regulation to Part 4a and Part 4b are those parts of the Civil Air Regulations in effect on September 1, 1953.

NOTE: Parts 4a and 4b as amended and in effect on September 1, 1953, were published in the FEDERAL REGISTER at the following citations: Part 4a, 14 F. R. 4072, 14 F. R. 3742, 14 F. R. 6769, 15 F. R. 28, 17 F. R. 11631; Part 4b, 15 F. R. 3543, 15 F. R. 8903, 15 F. R. 9184, 16 F. R. 314, 16 F. R. 11759, 16 F. R. 12220, 17 F. R. 1087, 17 F. R. 11631, 18 F. R. 2213.

This regulation supersedes Special Civil Air Regulation SR–398 and shall remain effective until superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 54–6207; Filed, Aug. 10, 1954; 8:52 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 84]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.40, the Pine Camp, New York, area (D–66), published on April 21, 1949, in 14 F. R. 1918, and on July 16, 1949, in 14 F. R. 4293, is amended by changing the "Name and Location" column to read: "Camp Drum."

2. In § 608.40, the Gardiner's Island, New York, area (D–19), published on July 16, 1949, in 14 F. R. 4293, and amended on January 16, 1953, in 18 F. R. 350, is further amended by changing the "Using Agency" column to read: "NAS, New York, N. Y.".

3. In § 608.28, the Sharps Island, Maryland, area (D–36), published on July 16, 1949, in 14 F. R. 4292, is amended by changing the "Using Agency" column to read: "NAS Patuxent River, Maryland".

4. In § 608.54, the Quantico, Virginia, area (D–37), published on July 16, 1949, in 14 F. R. 4297, and amended on April 26, 1952, in 17 F. R. 3724, and on June 14, 1952, in 17 F. R. 5389, and on September 27, 1952, in 17 F. R. 8617, is further amended by changing the "Designated Altitudes" column to read: "Unlimited."

5. In § 608.41, the Currituck Sound, North Carolina, area (D–34), published on April 21, 1949, in 14 F. R. 1918, is amended by changing the "Time of Designation" column to read: "Unlimited."

6. In § 608.41, the Currituck Sound, North Carolina, area (D–30), published on April 21, 1949, in 14 F. R. 1918, is amended by changing the "Time of Designation" column to read: "Unlimited."

7. In § 608.29, the Camp Edwards, Massachusetts, area (D–14), published on April 21, 1949, in 14 F. R. 1916, republished on July 16, 1949, in 14 F. R. 4292, amended on September 22, 1951, in 16 F. R. 9680 and redesignated as one area on April 21, 1954, in 19 F. R. 2308, is amended by changing the "Using Agency" column to read: "Department of Army, TAC, Camp Edwards, Massachusetts."

8. In § 608.27, the Deblois, Maine, area (D–397), published on December 6, 1951, in 16 F. R. 12307, and amended on June 4, 1954, in 19 F. R. 3298, is further amended by changing the "Using Agency" column to read: "506th Strategic Fighter Wing, Dow AFB, Bangor, Maine".

9. In § 608.29, the South Wellfleet, Massachusetts, area (D–22), published on April 21, 1949, in 14 F. R. 1917, and amended on July 27, 1949, in 14 F. R. 4665, and on March 11, 1950, in 15 F. R. 1329 and on March 6, 1951, in 16 F. R. 2051, and on July 19, 1951, in 16 F. R. 6915, is further amended by changing

the "Using Agency" column to read: "First Army and 564th Air Defense Group, Otis AFB, Massachusetts."

10. In § 608.28, the Bloodsworth Island, Maryland, area (D–418), published on July 16, 1949, in 14 F. R. 4291, is amended by changing the "Using Agency" column to read: "Comphibtralant, U. S. Naval Amphibious Base, Little Creek, Norfolk, Virginia."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on August 10, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54–6169; Filed, Aug. 10, 1954; 8:45 a. m.]

[Amdt. 85]

PART 608—DANGER AREAS

COOK INLET, ALASKA, AREA

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.61, a Cook Inlet, Alaska, area (D–466) is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
COOK INLET (D–466) (McKinley 118 Chart).	Beginning at latitude 60°52'00" N, longitude 151°51'00" W, thence southwesterly 2 miles inland and parallel to the shoreline to a point west northwest of Harriet Point, approximately latitude 60°24'00" N, longitude 152°18'00" W; thence west northwest 16 miles to the highest point on Mount Redoubt, approximately latitude 60°29'00" N, longitude 152°44'00" W; thence north 16° east toward Mount Spurr, approximately 25 miles to approximately latitude 60°52'00" N; longitude 152°31'00" W, thence east to latitude 60°52'00" N; longitude 151°51'00" W, point of beginning.	3,500 feet to unlimited.	Unlimited.....	Alaskan Air Command.

2. In § 608.61, the Cook Inlet, Alaska, area (D–347), published on April 21, 1949, in 14 F. R. 1921, is redesignated and revised to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
COOK INLET (D–347) (McKinley 118 Chart).	Beginning at a point 2 miles inland from the west shore of Cook Inlet and 1½ miles north of the light at the mouth of the Beluga River, approximate latitude 61°14'00", longitude 150°55'00", thence southwesterly 2 miles inland and parallel to the shoreline to a point west-northwest of Harriet Point approximate latitude 60°24'00", longitude 152°18'00", thence west-northwest 16 miles to the highest point on Mount Redoubt, approximate latitude 60°29'00", longitude 152°44'00", thence north 16° east toward Mount Spurr, approximately 46 miles to a point near the McArthur River, approximate latitude 61°07'30", longitude 152°21'30", thence north 51° east 32 miles to a point near the foot of the Triumvirate Glacier, latitude 61°24'30", longitude 151°32'00", thence southeast to the point of beginning, excluding that portion south of latitude 60°52'00".	Surface to unlimited.	Unlimited.....	Alaskan.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on August 13, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54–6204; Filed, Aug. 10, 1954; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII–6, Amdt. 5]

DMO VII–6—EXPANSION GOALS

ALUMINUM FORGING FACILITIES

1. Defense Mobilization Order VII–6, dated December 3, 1953 (18 F. R. 7876), and Amendment 1, dated January 29, 1954 (19 F. R. 855), are further amended by adding in proper alphabetical sequence to List III—Open, the following new expansion goal:

No.	Goal	Delegate agency
222.....	Aluminum forging facilities..	Commerce.

2. This amendment shall take effect on June 2, 1954.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 54–6228; Filed, Aug. 9, 1954; 12:20 p. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[Gen. Order 12, Revised, Supp. 3]

PART 281—INFORMATION AND PROCEDURE REQUIRED UNDER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

SAILING SCHEDULES, ROUTES, ETC.

Paragraph (a) of § 281.1 (USMC General Order 12, Revised as amended by Supplement 1), published in the FEDERAL REGISTER (14 F. R. 4875, 15 F. R. 6670) is hereby superseded and amended to read:

(a) *Sailing schedules, routes, etc.* (1) One copy of tentative sailing schedules is required to be submitted[1] not later than 15 days prior to the commencement of the month in which the proposed sailings are to be made. Such schedules shall show separately for each vessel: (i) Name and type of vessel, voyage number, whether owned or chartered, and whether subsidy is requested; (ii) the subsidized service in which the proposed sailing is to be made, indicating if said service is not the same as the one to which the vessel has been assigned by contract; (iii) anticipated date vessel will go on berth and date expected to sail from last United States port; also names of other U. S. and foreign ports of call;

and (iv) explanation of any proposed deviations from the service described in the applicable contract.

(2) If subsequent to the submission of the tentative sailing schedules substantial changes are made in any sailing schedule the Maritime Administration shall be notified of such changes not later than the 10th day of the month following the month in which the sailing is scheduled to be made. Changes requiring notice to the Administration shall include modifications involving an increase or decrease in the number of sailings in a subsidized service, the substitution of a vessel or vessels, omission or addition of ports of call and substantial changes in dates on which calls are made at specific ports.

(3) A "Final Report" in four copies, shall be submitted for approval[1] as promptly as possible after completion of the voyage and shall show: (i) The time and ports at which the voyage commenced and terminated; (ii) the arrival and sailing dates of the vessel at and from each United States and foreign port, including ports of call for bunkering and/or mail only; (iii) explanation of any delays at United States or foreign ports, idle status and repair periods; and (iv) documentation of official authorization for any deviations from the service described in the applicable contract. In the event a vessel omits a scheduled foreign port or ports of call, an explanation must be shown on the "Final Report" of the completed voyage.

(4) The effective date of the procedures outlined in subparagraphs (1), (2) and (3) of this paragraph is August 1, 1954.

(5) The sailing schedules specified in this paragraph including the final reports shall be sent to the Office of National Shipping Authority and Government Aid.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Dated: July 19, 1954.

[SEAL] LOUIS S. ROTHSCHILD,
Maritime Administrator.

[F. R. Doc. 54-6240; Filed, Aug. 10, 1954; 8:53 a. m.]

Subchapter H—Training

[General Order 22, 3d Rev., Amdt. 3, WSA Function Series]

PART 310—MERCHANT MARINE TRAINING

SUBPART A—REGULATIONS AND MINIMUM STANDARDS FOR STATE MARITIME ACADEMIES

MISCELLANEOUS AMENDMENTS

Effective July 1, 1954, General Order 22, Third Revision, WSA Function Series, published in the FEDERAL REGISTER under date of October 20, 1949 (14 F. R. 6401), is hereby amended by deleting paragraph (a) of § 310.6 *Entrance standards;* paragraph (a) of § 310.8 *Uniforms, textbooks and subsistence;* and paragraph (b) of § 310.10 *Medical attention and injury claims* in their entirety and substituting therefor the following new paragraphs:

§ 310.6 *Entrance standards.* (a) A candidate for admission to a State Maritime Academy must be a male citizen of the United States and must qualify in all respects for appointment in the United States Naval Reserve and be appointed as such. Such candidate shall also agree in writing to apply for a Commission as Ensign in the United States Naval Reserve immediately after graduation and shall be required to accept such Commission if he is qualified: *Provided, however,* That a waiver of physical qualifications under this requirement will be made by the Chief, Office of Maritime Training, if physical examination for appointment in the United States Naval Reserve has been taken before admission and that any defects noted are not such as to disqualify him physically for a license in the Merchant Marine in accordance with the regulations prescribed by the U. S. Coast Guard: *And provided further,* That a physical examination is made annually thereafter by a Navy examiner. When, in the opinion of the Navy examiner that such defects are remedial in order to endeavor to qualify the cadet for appointment in the Naval Reserve, such cadet shall accept appointment in the Naval Reserve as soon as and if he can qualify. He must be of robust constitution, physically sound and of good moral character, not less than seventeen years of age but less than twenty-three years of age: *Provided,* That within this range each State may fix its upper age limits for cadets appointed thereby: *Provided further,* That in any case where the candidate is an honorably discharged veteran or if he served in the merchant marine for not less than one year during World War II, the upper age limit is extended four years so that such candidate shall not have reached the age of twenty-seven years.

§ 310.8 *Uniforms, textbooks and subsistence.* (a) Each cadet who has been admitted to a State Maritime Academy or State Maritime College, who has passed the physical requirements for appointment in the United States Naval Reserve, and has received Naval Reserve status, will upon recommendation by the Superintendent of the Academy or President of the College be granted a uniform, textbook and subsistence allowance at the rate provided therefor in the applicable appropriation act for each fiscal year, payable monthly. The subsistence allowance will be paid directly to the cadet concerned or, if approval is granted by the Administrator, to the State Maritime Academy or College upon presentation of a statement, which shall be prepared and submitted at the end of each month, containing the names of the cadets for whom subsistence has been furnished during that month and such other information as may be required by the Administrator. The uniform and textbook allowances will be paid either directly to the cadet concerned or, with the approval of the Administrator, to the State Maritime Academy or College upon certification by the Superintendent or President thereof, respectively, that such allowances will be credited to the account of each cadet. No cadet will be granted a uniform, textbook allowance, or subsistence allowance for any time during which he is absent without leave for a condition not in line of duty.

§ 310.10 *Medical attention and injury claims*—(b) *Compensation claims of cadets.* Compensation claims for personal injuries or death sustained by a cadet enrolled in the Maritime Service and appointed a member of the United States Naval Reserve in performance of duty shall be forwarded to the Administrator for transmission to the Bureau of Employees' Compensation.

(Sec. 4, 55 Stat. 607; 34 U. S. C. 1123d)

Dated: July 29, 1954.

[SEAL] LOUIS S. ROTHSCHILD,
Maritime Administrator.

[F. R Doc 54-6241; Filed, Aug. 10, 1954; 8:53 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 105—ALASKA PENINSULA AREA

PART 118—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

PART 119—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

MISCELLANEOUS AMENDMENTS

Basis and purpose: It has been determined that there are insufficient escapements of pink salmon in the Western and Eastern districts of Southeastern Alaska.

Weir counts in the Bear River district of the Alaska Peninsula are sufficient so that additional fishing may be permitted there.

1. Section 105.3a is amended in paragraph (b) by changing the period at the end to a comma and adding "and with gill nets and beach seines only, from 6 o'clock antemeridian August 11 to 6 o'clock postmeridian September 30."

2. Section 118.5 is amended in text by deleting "August 22" and substituting in lieu thereof "August 11."

3. Section 118.6 is amended in text by deleting "August 18" and substituting in lieu thereof "August 11."

4. Section 119.3 is amended in paragraph (b) by deleting "August 18" and substituting in lieu thereof "August 11."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

The above changes shall become effective immediately upon publication in the FEDERAL REGISTER.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

ARNIE J. SUOMELA,
Acting Director.

AUGUST 10, 1954.

[F. R. Doc. 54-6260; Filed, Aug. 10, 1954; 11:56 a. m.]

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[1] Approval of said sailing schedules is not to be construed as approval for payment of subsidy.

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter C—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

APPROVAL OF MORTGAGES

APPLICATION AND COMMITMENT

ELIGIBLE MORTGAGES

ELIGIBLE MORTGAGORS

ELIGIBLE PROPERTIES

OPEN-END ADVANCES

EFFECTIVE DATE

AUTHORITY: §§ 221.1 to 221.44 issued under sec. 211, 52 Stat. 23; 12 U. S. C. 1715b.

APPROVAL OF MORTGAGEES

§ 221.1 *Governmental institutions approved as mortgagees.* The following institutions are hereby approved as mortgagees under section 203 of the National Housing Act:

(a) National Mortgage Associations;

(b) Federal Reserve Banks;

(c) Federal Home Loan Banks; and

(d) Any other Federal, State, or municipal governmental agency that is or may hereafter be empowered to hold mortgages insured under Title II of the National Housing Act as security or as collateral or for any other purpose.

§ 221.2 *Federal Reserve members, other institutions.* Members of the Federal Reserve System, institutions whose accounts are insured by the Federal Savings & Loan Insurance Corporation and institutions whose deposits are insured by the Federal Deposit Insurance Corporation may be approved as mortgagees upon application.

§ 221.3 *Charitable or non-profit institutions.* Any charitable or non-profit organization which presents evidence that it is responsible, has permanent funds of not less than $100,000, and has experience in mortgage investment, may be approved upon application.

§ 221.4 *Approval of other institutions; general requirements.* (a) Any mortgagee not identified in §§ 221.1 to 221.3 may be approved as mortgagee if it is a chartered institution or other permanent organization having succession, which has as its principal activity the lending or investment of funds under its own control in real estate mortgages, which has sound capital funds properly proportioned to its liabilities and to the character and extent of its operations, and which meets the requirements of either paragraph (b), (c), or (d) of this section.

(b) Special requirements applicable to supervised institutions: A mortgagee shall be subject to the inspection and supervision of a governmental agency which is required by law to make periodic examinations of its books and accounts and shall submit satisfactory evidence that it has sound capital funds of a value not less than $25,000 or, if a mutual company or association without capital funds, that it has a net worth of not less than $25,000.

(c) Special requirements applicable to non-supervised institutions: A mortgagee not subject to inspection and supervision of a governmental agency as provided in the preceding paragraph shall have sound capital funds of a value of not less than $100,000; shall submit a detailed audit of its books made by an accountant satisfactory to the Commissioner, reflecting a condition satisfactory to him; shall file with the Commissioner similar audits at least once in each calendar year so long as its approval as mortgagee continues; shall submit at any time to such examination of its books and affairs as the Commissioner may require; and shall comply with any other conditions that the Commissioner may impose. Prior to the approval of any such mortgagee, it shall submit an agreement in writing—

(1) That so long as it continues to be approved as a mortgagee, it will not issue any mortgage participating certificates on which it assumes personal liability, or issue any guaranty with respect to principal or interest of any mortgage, except that any such obligations outstanding on the date of the application of such institution may thereafter be renewed; and

(2) That it will segregate all periodic payments under mortgages insured by the Commissioner, received by it on account of ground rents, taxes, assessments and insurance premiums, and will deposit such funds in a special account or accounts with some banking institution whose accounts are insured by the Federal Deposit Insurance Corporation and shall use such funds for no purpose other than that for which they were received.

(d) *Special requirements applicable to loan correspondent mortgagees:* A mortgagee meeting all requirements of paragraph (c) of this section other than the requirement that it shall have sound capital funds of not less than $100,000 may be approved by the Commissioner if it establishes to his satisfaction that it is a duly authorized loan correspondent of, and whose approval is requested by, an approved mortgagee which is a supervised institution and which lends on or invests in mortgages on a national scale. Approval of any such mortgagee shall be on the condition that the termination of its relationship as such correspondent will be cause (subject to the provisions of § 221.6) for withdrawal of its approval as an approved mortgagee and on the further condition that the correspondent institution and the institution for which it is authorized to act shall agree to notify the Commissioner promptly of the termination of such relationship and on the further condition that the correspondent institution shall agree to originate insured mortgage loans for the purpose of sale only to the institution or institutions which requested its approval.

§ 221.5 *Approval of fiduciary investments.* (a) Approval as a mortgagee of a banking institution or trust company which is subject to the inspection and supervision of a governmental agency, shall be deemed to constitute approval of such institution or company when lawfully acting in a fiduciary capacity in investing fiduciary funds which are under its individual or joint control. Upon termination of such fiduciary relationship, whether by revocation or otherwise, any insured mortgages held in the fiduciary estate shall be transferred to a mortgagee approved under this section and the fiduciary relationship must be such as to permit such transfer.

(b) Nothing in this part shall be construed to permit the sale to the general public of instruments representing the beneficial interest in all or part of one or more insured mortgages.

§ 221.6 *Withdrawal of approval.* Approval of an institution as a mortgagee may be withdrawn at any time by notice from the Commissioner. In the discretion of the Commissioner, the transfer of an insured mortgage to a mortgagee

not approved to act under this part, or the failure of a mortgagee not subject to the inspection and supervision of a governmental agency, to segregate all funds received from mortgagors on account of ground rents, taxes, assessments and insurance premiums, and to deposit such funds in a special account or accounts with some banking institution whose accounts are insured by the Federal Deposit Insurance Corporation, or the use of such funds for any purpose other than that for which they were received, or the failure of a mortgagee to conduct its business on the plan indicated by its application for approval, or the termination of its supervision by a governmental agency will be cause for withdrawal of approval. Withdrawal of approval will in no case affect the insurance on mortgages theretofore accepted for insurance.

§ 221.7 *Financial statements.* All approved mortgagees shall at any time upon request furnish the Commissioner with a copy of their latest periodic financial statement or report.

§ 221.8 *Mortgage servicing.* All approved mortgagees are required to service insured loans in accordance with acceptable mortgage practices of prudent lending institutions. In the event of default, the mortgagee should be able to contact the mortgagor and otherwise exercise diligence in collecting the amounts due. The holder of the mortgage is responsible to the Commissioner for proper servicing, even though the actual servicing may be performed by an agent of such holder.

APPLICATION AND COMMITMENT

§ 221.9 *Submission of application.* Any approved mortgagee may submit an application for insurance of a mortgage about to be executed, or of a mortgage already executed.

§ 221.10 *Form of application.* The application must be made upon a standard form prescribed by the Commissioner.

§ 221.11 *Application fee.* (a) Applications filed for a firm or a conditional commitment with respect to existing construction must be accompanied by the mortgagee's check for the sum of $20 to cover the cost of processing by the Commissioner. If an application is refused as a result of preliminary examination by the Commissioner, or in such other instances as the Commissioner may determine, the entire fee will be returned to the applicant.

(b) Applications filed for a firm or a conditional commitment with respect to proposed construction must be accompanied by the mortgagee's check for the sum of $45 to cover the cost of processing by the Commissioner. If an application is refused as a result of preliminary examination by the Commissioner, or in such other instances as the Commissioner may determine, the entire fee will be returned to the applicant. Twenty dollars will be retained by the Commissioner and the balance of such fee will be returned to the applicant if the mortgage which is the subject of the application is endorsed for insurance by the Commissioner.

(c) If the application is made on behalf of a veteran for the insurance of a mortgage to refinance an existing insured mortgage which is in default by reason of his military service, the fee herein provided may be waived by the Commissioner if he finds that the collection of such fee would be inequitable under the particular circumstances of the transaction. For the purposes of this subchapter the word "veteran" shall mean a person who has served in the active military or naval service of the United States at any time on or after September 16, 1940, and prior to July 26, 1947, or on or after June 27, 1950, and prior to such date thereafter as shall be determined by the President.

§ 221.12 *Approval of application.* Upon approval of an application, acceptance of the mortgage for insurance will be evidenced by the issuance of a commitment setting forth, upon a form prescribed by the Commissioner, the terms and conditions upon which the mortgage will be insured.

§ 221.13 *Builders warranty.* With respect to commitments issued on or after October 1, 1954, applications relating to proposed construction must be accompanied by an agreement in form satisfactory to the Commissioner executed by the seller or builder or such other person as the Commissioner may require agreeing that in the event of any sale or conveyance of the dwelling within a period of one year beginning with the date of initial occupancy, the seller, builder, or such other person will at the time of such sale or conveyance deliver to the purchaser or owner of such property a warranty in form satisfactory to the Commissioner warranting that the dwelling is constructed in substantial conformity with the plans and specifications (including amendments thereof or changes and variations therein which have been approved in writing by the Commissioner) on which the Commissioner has based his valuation of the dwelling. Such agreement must provide that upon the sale or conveyance of the dwelling and delivery of the warranty, the seller, builder or such other person will promptly furnish the Commissioner with a conformed copy of the warranty establishing by the purchaser's receipt thereon that the original warranty has been delivered to the purchaser in accordance with this section.

§ 221.14 *Certification of appraisal amount.* An application with respect to insurance of mortgages on one- or two-family dwellings must be accompanied by an agreement satisfactory to the Commissioner, executed by the seller, builder or such other person as may be required by the Commissioner whereby such person agrees that prior to any sale of the dwelling the said person will deliver to the purchaser of such property a written statement in form satisfactory to the Commissioner setting forth the amount of the appraised value of the property as determined by the Commissioner.

§ 221.15 *Certificate and contract regarding use of dwelling for transient or hotel purposes.* Every application filed with respect to insurance of mortgages on a two-, three-, or four-family dwelling, or a single-family dwelling which is one of a group of 5 or more single-family dwellings held by the same mortgagor, must be accompanied by a contract in form satisfactory to the Commissioner, signed by the proposed mortgagor covenanting and agreeing that so long as the proposed mortgage is insured by the Commissioner the mortgagor will not rent the housing or any part thereof covered by the mortgage for transient or hotel purposes, together with the mortgagor's certification under oath that the housing or any part thereof covered by the proposed mortgage will not be rented for transient or hotel purposes. For the purpose of this subchapter rental for transient or hotel purposes shall mean (a) rental for any period less than 30 days or (b) any rental if the occupants of the housing accomodations are provided customary hotel services such as room service for food and beverages, maid service, furnishing and laundering of linen, and bellboy service.

ELIGIBLE MORTGAGES

§ 221.16 *Form, lien.* The mortgage must be executed upon a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated, by a mortgagor with the qualifications set forth in this part, must be a first lien upon property that conforms with the property standards prescribed by the Commissioner, and the entire principal amount of the mortgage must have been disbursed to the mortgagor or to his creditors for his account and with his consent.

§ 221.17 *Maximum amount of mortgage and mortgagor's minimum investment.* (a) The mortgage should involve a principal obligation in an amount of $100 or multiples thereof (except that a mortgage having a principal obligation not in excess of $10,000 may be in an amount of $50 or multiples thereof), and not in excess of

(1) $20,000 in the case of dwellings designed principally for one- or two-family residences; or

(2) $27,500 in the case of three-family residences; or

(3) $35,000 in the case of four-family residences; and

(4) 90 percent (95 percent if the dwelling is approved for insurance prior to the beginning of construction) of $9,000 of the appraised value of the property (as of the date the mortgage is accepted for insurance) and 75 percent of such value in excess of $9,000; or

(5) an amount equal to 85 percent of the amount computed under the foregoing provision of the section if the mortgagor is not the occupant of the property.

(b) At the time the mortgage is insured the mortgagor shall have paid on account of the property at least five percent of the Commissioner's estimate of the cost of acquisition or such larger

amount as the Commissioner may determine in cash or its equivalent.

§ 221.18 *Payments and maturity dates.* The mortgage should come due on the first of a month and must have a maturity satisfactory to the Commissioner not to be less than 4 nor more than 30 years from the date of the insurance; or three-quarters of the Commissioner's estimate of the remaining economic life of the building improvements, whichever is the lesser. The amortization period should be either 10, 15, 20, 25, or 30 years by providing for either 120, 180, 240, 300, or 360 monthly amortization payments.

§ 221.19 *Interest rate.* The mortgage may bear interest at such rate as may be agreed upon by the mortgagee and mortgagor, but in no case shall such interest rate be in excess of 4½ percent. Interest shall be payable in monthly installments on the principal then outstanding.

§ 221.20 *Amortization provisions.* The mortgage must contain complete amortization provisions satisfactory to the Commissioner, requiring monthly payments by the mortgagor not in excess of his reasonable ability to pay as determined by the Commissioner. The sum of the principal and interest payments in each month shall be substantially the same.

§ 221.21 *Payment of insurance premiums or charges; prepayment premiums.* (a) The mortgage may provide for monthly payments by the mortgagor to the mortgagee of an amount equal to one-twelfth of the annual mortgage insurance premium payable by the mortgagee to the Commissioner. If the mortgage contains a provision permitting the holder to make future "open-end" advances or is amended or modified to include such a provision, the mortgage may provide for a monthly payment by the mortgagor of an amount equal to one-twelfth of the annual charge, payable by the mortgagee to the Commissioner for insurance of such advances. Such payments shall continue only so long as the contract of insurance shall remain in effect.

(b) The mortgage should provide that upon the payment of the mortgage before maturity, the mortgagor shall pay the adjusted premium charge referred to in this subchapter, but shall not provide for the payment of any further charge on account of such prepayment.

§ 221.22 *Mortgagor's payments to include other charges.* (a) The mortgage shall provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize the ground rents, if any, and the estimated amount of all taxes, special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the dates on which the same become delinquent. The mortgage shall further provide that such payments shall be held by the mortgagee in a manner satisfactory to the Commissioner, for the purpose of paying such ground rents, taxes, assessments and insurance premiums before the same become delinquent, for the benefit and account of the mortgagor. The mortgage must also make provision for adjustments in case the estimated amount of such taxes, assessments, and insurance premiums shall prove to be more, or less, than the actual amount thereof so paid by the mortgagor.

(b) Mortgages involving a principal obligation not in excess of $6,650 may contain a provision requiring the mortgagor to pay to the mortgagee an annual service charge at such rate as may be agreed upon between the mortgagee and the mortgagor, but in no case shall such service charge exceed one-half of one percent per annum. Any such service charge shall be payable in monthly installments on the principal then outstanding.

§ 221.23 *Application of payments.* (a) All monthly payments to be made by the mortgagor to the mortgagee as hereinabove provided in §§ 221.17 to 221.20 shall be added together and the aggregate amount thereof shall be paid by the mortgagor each month in a single payment. The mortgagee shall apply the same to the following items in the order set forth:

(1) Premium charges under the contract of insurance, including insurance charges for open-end advances;

(2) Ground rents, taxes, special assessments, and fire and other hazard insurance premiums;

(3) Service charge, if any;

(4) Interest on the mortgage; and

(5) Amortization of the principal of the mortgage.

(b) Any deficiency in the amount of any such aggregate monthly payment shall, unless made good by the mortgagor prior to, or on, the due date of the next such payment, constitute an event of default under the mortgage.

§ 221.24 *Late charge.* The mortgage may provide for a charge by the mortgagee of a "late charge" not to exceed 2 cents for each dollar of each payment more than 15 days in arrears to cover the extra expense involved in handling delinquent payments.

§ 221.25 *Mortgagor's payments when mortgage is executed.* The mortgagor must pay to the mortgagee, upon the execution of the mortgage, a sum that will be sufficient to pay the ground rents, if any, and the estimated taxes, special assessments, and fire and other hazard insurance premiums for the period beginning on the date to which such ground rents, taxes, assessments, and insurance premiums were last paid and ending on the date of the first monthly payment under the mortgage and may be required to pay a further sum equal to the first annual mortgage insurance premium, plus an amount sufficient to pay the mortgage insurance premium from the date of closing the loan to the date of the first monthly payment.

§ 221.26 *Maximum charges and fees to be collected by mortgagee.* (a) The mortgagee may charge the mortgagor the amount of the application fees provided for in this part and an initial service charge to reimburse itself for the cost of closing the transaction, which service charge shall not exceed—

(1) $20 or 1 percent of the original principal amount of the mortgage, whichever is the greater, with respect to a mortgage on existing property; or

(2) $50 or 2½ percent of the original principal amount of the mortgage, whichever is the greater, with respect to mortgages on property under construction or to be constructed where the mortgagee makes partial disbursements and inspections of the property during the progress of construction.

(b) In addition to the charges hereinabove mentioned, the mortgagee may collect from the mortgagor customary costs of title search, recording fees, reasonable out-of-pocket appraisal and other fees which are approved by the Commissioner, and mortgage insurance premiums together with other fees and charges which the mortgagee is required to pay to the Commissioner under this part. Nothing in this section shall be construed as prohibiting the mortgagor from dealing through a broker, who does not represent the mortgagee, if he prefers to do so, and paying such compensation as is satisfactory to the mortgagor.

§ 221.27 *Economic soundness of project.* The mortgage must be executed with respect to a project which, in the opinion of the Commissioner, is economically sound.

§ 221.28 *Eligible mortgages in Alaska, Guam, or Hawaii.* (a) The Commissioner may, if he finds that because of higher costs prevailing in the Territory of Alaska or in Guam or in Hawaii, it is not feasible to construct dwellings on property located in Alaska or in Guam or in Hawaii without sacrifice of sound standards of construction, design, and livability, within the limitations as to maximum mortgage amounts provided in § 211.17, prescribe by regulation or otherwise, with respect to dollar amount, a higher maximum for the principal obligation of mortgages covering property located in Alaska or in Guam or in Hawaii, in such amounts as he shall find necessary to compensate for such higher costs but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

(b) Upon application by a mortgagee, where the Alaska Housing Authority or the Government of Guam or Hawaii or any agency or instrumentality thereof is the mortgagor or mortgagee, or where the mortgagor is regulated or restricted as to rents or sales, charges, capital structure, rate of return, and methods of operation to such an extent and in such manner as the Commissioner determines advisable to provide reasonable rentals and sales prices and a reasonable return on the investment, any mortgage otherwise eligible for insurance under any of the provisions of this part, may be insured without regard to any requirement contained in this part that the mortgagor:

(1) Be the owner and occupant of the property;

(2) Has paid on account of the property a prescribed percentage of the appraised value of the property in cash or its equivalent; or

(3) That the mortgaged property be free and clear of all liens other than the mortgage offered for insurance and that there will not be any other unpaid obli-

gations contracted in connection with the mortgage transaction or the purchase of the mortgaged property.

(c) The provisions of § 221.27 shall not be applicable to mortgages covering property located in Alaska or in Guam or in Hawaii: *Provided*, That mortgages covering property located in Alaska or in Guam or in Hawaii shall not be accepted for insurance unless the Commissioner finds that the property or project is an acceptable risk giving consideration to the acute housing shortage in Alaska or in Guam or in Hawaii.

§ 221.29 *Racial restriction covenant.* The mortgage shall contain a covenant by the mortgagor that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, he will not execute or file for record any instrument which imposes a restriction upon the sale or occupancy of the mortgaged property on the basis of race, color, or creed. Such covenant shall be binding upon the mortgagor and his assigns and shall provide that upon violation thereof the mortgagee may, at its option, declare the unpaid balance of the mortgage immediately due and payable.

§ 221.30 *Owner-occupancy in military service cases.* Any mortgage otherwise eligible for insurance under any of the provisions of this part may be insured without regard to any requirement contained in this part that the mortgagor be the occupant of the property at the time of insurance, where the Commissioner is satisfied that the inability of the mortgagor to occupy the property is by reason of his entry into military service subsequent to the filing of an application for insurance and the mortgagor expresses an intent (in such form as may be prescribed by the Commissioner), to occupy the property upon his discharge from military service.

ELIGIBLE MORTGAGORS

§ 221.31 *Mortgage lien.* A mortgagor must establish that after the mortgage offered for insurance has been recorded, the mortgaged property will be free and clear of all liens other than such mortgage and that there will not be outstanding any other unpaid obligation contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations which are secured by property or collateral owned by the mortgagor independently of the mortgaged property.

§ 221.32 *Relationship of income to mortgage payments.* A mortgagor must establish that the periodic payments required in the mortgage submitted for insurance bear a proper relation to his present and anticipated income and expenses.

§ 221.33 *Credit standing.* A mortgagor must have a general credit standing satisfactory to the Commissioner.

§ 221.34 *Racial restrictions certificate.* A mortgagor must certify that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, he will not file for record any restriction upon the sale or occupancy of the mortgaged property on the basis of race, color or creed or execute any agreement, lease or conveyance affecting the mortgaged property which imposes any such restriction upon its sale or occupancy.

§ 221.35 *Certificate and contract regarding use of dwelling for transient or hotel purposes.* A mortgagor under a mortgage covering two-, three-, or four-family dwellings, or a single-family dwelling which is one of a group of 5 or more single-family dwellings held by the same mortgagor, must certify under oath that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, the mortgagor will not rent, permit the rental or permit the offering for rental of the housing, or any part thereof, covered by such mortgage, for transient or hotel purposes. The mortgagor shall further execute a contract with the Commissioner providing that so long as the said mortgage is insured he will not rent such housing, or any part thereof, for transient or hotel purposes as such purposes are defined in § 221.15.

ELIGIBLE PROPERTIES

§ 221.36 *Nature of title to realty.* A mortgage to be eligible for insurance must be on real estate held in fee simple, or on leasehold under a lease for not less than 99 years which is renewable, or under a lease with a period of not less than 50 years to run from the date the mortgage is executed.

§ 221.37 *Location of dwelling.* At the time a mortgage is insured there must be located on the mortgaged property a dwelling unit designed principally for residential use for not more than four families. Such unit may be connected with other dwellings by a party wall or otherwise.

§ 221.38 *Standards for buildings.* The buildings on the mortgaged property must conform with the standards prescribed by the Commissioner.

§ 221.39 *Location of property.* The mortgaged property, if otherwise acceptable to the to the Commissioner, may be located in any community where the housing standards meet the requirements of the Commissioner.

§ 221.40 *Racial restrictions on property.* A mortgagee must establish that no restriction upon the sale or occupancy of the mortgaged property, on the basis of race, color, or creed, has been filed of record at any time subsequent to February 15, 1950, and prior to the recording of the mortgage offered for insurance.

§ 221.41 *Rental properties.* (a) A mortgage on property upon which there is a dwelling to be rented by the mortgagor, shall not be eligible for insurance if said property is a part of, or adjacent or contiguous to a project, subdivision or group of similar rental properties which involve 12 or more dwelling units if the mortgagor has any financial interest in said properties;

(b) No two-, three-, or four-family dwelling nor single-family dwelling, if it is a part of a group of five or more single-family dwellings held by the same mortgagor or any part or unit thereof, shall be rented or offered for rent for transient or hotel purposes, as defined in § 221.15, so long as such dwelling is subject to any insured mortgage.

§ 221.42 *Eligibility of miscellaneous type mortgages.* (a) A mortgage which meets the requirements of this part, except as modified by this section, shall be eligible for insurance under this part subject to compliance with the additional requirements of this section.

(b) A mortgage may be in an amount not exceeding 90 percent of the appraised value of the mortgaged property as of the date the mortgage is accepted for insurance if

(1) Executed in connection with the sale by the Government, or any agency or official thereof, of any housing acquired or constructed under Public Law 849, Seventy-sixth Congress, as amended; Public Law 781, Seventy-sixth Congress, as amended; or Public Laws 9, 73 or 353, Seventy-seventh Congress, as amended (including any property acquired, held or constructed in connection with such housing or to serve the inhabitants thereof); or

(2) Executed in connection with the sale by the Public Housing Administration, or by any public housing agency with the approval of the said Administration, or any housing (including any property acquired, held or constructed in connection with such housing or to serve the inhabitants thereof) owned or financially assisted pursuant to the provisions of Public Law 671, Seventy-sixth Congress; or

(3) Executed in connection with the sale by the Government, or any agency or official thereof, or any of the so-called Greenbelt towns, or parts thereof, including projects, or parts thereof, known as Greenhills, Ohio; Greenbelt, Maryland; and Greendale, Wisconsin, developed under the Emergency Relief Appropriation Act of 1935, or of any of the village properties or employe's housing under the jurisdiction of the Tennessee Valley Authority; or

(4) Executed in connection with the sale by a State or municipality, or an agency, instrumentality, or political subdivision of either, of a project consisting of any permanent housing (including any property acquired, held or constructed in connection therewith or to serve the inhabitants thereof), constructed by or on behalf of such State, municipality, agency, instrumentality or political subdivision, for the occupancy of veterans (as defined in § 221.11) their families and others; or

(5) Executed in connection with the first resale, within two years from the date of its acquisition from the Government, of any portion of a project or property of the character described in subparagraphs (1), (2), and (3) of this paragraph.

(6) Given to refinance an existing mortgage insured under section 903 of the act; *Provided*, That any such refinancing mortgage shall not exceed the original principal amount or the unexpired term of such existing mortgage.

(c) A mortgage which involves a principal obligation not in excess of $6,650

covering property in an area where the Commissioner finds it is not practicable to obtain conformity with many of the requirements essential to the insurance of mortgages on housing in built-up urban areas upon which there is located a dwelling designed principally for a single-family residence and which is approved for mortgage insurance prior to the beginning of construction may be in an amount not exceeding 95 percent of the appraised value of the property as of the date the mortgage is accepted for insurance: *Provided*, That

(1) The mortgagor shall be the owner and occupant of the property at the time of insurance, and shall have paid on account of the property at least 5 percent of the Commissioner's estimate of the cost of acquisition in cash or its equivalent, or

(2) The mortgagor shall be the owner and occupant of the property at the time of insurance, regardless of his credit standing, with whom a person or corporation having a credit standing satisfactory to the Commissioner shall have entered into a written contract with the owner and occupant (i) to pay on the latter's behalf all or part of the downpayment required by this paragraph agreeing to take as security a note from the prospective owner and occupant bearing interest at the rate of not more than 4 percent per annum, maturing after the last maturity date of principal due on the insured mortgage, with a right in the holder to accelerate maturity to a date following prepayment of the entire mortgage debt, under the terms of which note all rights of such person or corporation are subordinated to the rights of the mortagee or assignees of the mortgagee, and (ii) to guarantee payment of the insured mortgage by the owner and occupant according to the terms of the mortgage:

(d) A mortgage of the general character described in paragraph (c) of this section, but which is the obligation of the builder constructing the dwelling and not the obligation of the owner and the occupant of the property may be in an amount not exceeding 85 percent of the appraised value of the property as of the date the mortgage is accepted for insurance: *Provided*, That the principal obligation of any such mortgage shall not be in excess of $5,950.

(e) A mortgage covering a dwelling used as a farm home on a plot of land five or more acres in size adjacent to a public highway will be eligible for insurance under this section subject to compliance with the provisions of paragraphs (c) and (d) of this section.

(f) A mortgage may be in an amount not exceeding 100 percent of the appraised value of the mortgaged property as of the date the mortgage is accepted for insurance where the mortgagor is the owner and occupant of a property upon which there is located a dwelling designed principally for a single-family residence, and the mortgagor establishes (to the satisfaction of the Commissioner) that his home, which he occupied as an owner or a tenant, was destroyed or damaged to such an extent that reconstruction is required as a result of a flood, fire, earthquake, storm or other catastrophe which the President, pursuant to section 2 (a) of Public Law 875, approved September 30, 1950, has determined to be a major disaster, and the application for insurance is filed within one year from the date of such determination: *Provided*, That the principal obligation of any such mortgage shall not be in excess of $7,000.

(g) The provisions of § 221.27 shall not apply to mortgages insured under this section, but as to mortgages of the character described in paragraphs (c), (d) and (e) of this section the project with respect to which the mortgage is executed must be determined by the Commissioner to be an acceptable risk, giving consideration to the need for providing adequate housing for families of low and moderate income, particularly in suburban and outlying areas or small communities.

(h) The provisions of § 221.37 shall not apply to mortgages of the character described in paragraph (b) of this section and at the time any such mortgage is insured there must be located on the mortgaged property a dwelling unit designed principally for residential use for not more than eleven families.

OPEN-END ADVANCES

§ 221.43 *Eligibility of open-end advances.* Any approved mortgagee may make advances, referred to in these rules as "open-end" advances, in connection with the mortgages previously insured under this subchapter or insured after the effective date of this part, subject to compliance with the requirements of this section.

(a) The proceeds of any open-end advance must be used for the purpose of improvements or repairs which in the Commissioner's discretion substantially protect or improve the basic livability or utility of the property involved. The proceeds of such advances shall not be used for the purpose of financing obligations previously incurred for such repairs or improvements.

(b) The mortgagee shall submit an application for insurance of open-end advances upon a standard form prescribed by the Commissioner.

(c) Applications filed must be accompanied by the mortgagee's remittance for the sum of $10 for processing of the application. If an application is refused as a result of preliminary examination by the Commissioner or in such other instances as the Commissioner may determine the entire fee will be returned to the applicant.

(d) In addition to the application fee required by paragraph (c) of this section, the mortgagee may charge the mortgagor a fee not to exceed $25 or 1 percent of the open-end advance, whichever is the lesser, and the amount of out-of-pocket expenditures made by the mortgagee for customary costs of title search and recording fees. The mortgagee may require the mortgagor to pay to the mortgagee all charges permitted under this section on or prior to the date of final disbursement of the open-end advance, together with a sum sufficient to pay the initial insurance charge provided for in § 222.2 (a) (2) of this subchapter. No portion of such charges may be included in the principal amount of the open-end advance.

(e) Upon approval of an application, acceptance of the advance for insurance will be evidenced by the issuance of a commitment setting forth, upon a form prescribed by the Commissioner, the terms and conditions upon which the advance will be insured.

(f) The amount of such advance shall be added to the unpaid principal obligation of the mortgage, whereupon the aggregate of the original unpaid principal and the amount of the open-end advance shall

(1) Bear interest at the rate provided in such mortgage, payable in monthly installments on the principal then outstanding;

(2) Be payable in substantially equal monthly payments in an amount sufficient to amortize the aggregate principal amount within the remaining original term of the mortgage.

(g) The amount of any such advance (computed in even dollar amounts) when added to the unpaid balance of the original principal obligation of the mortgage shall not exceed the original principal obligation of the mortgage: *Provided*, That if the mortgagor certifies that the proceeds of such open-end advance will be used to finance the construction of an additional room or rooms or other additional enclosed space as a part of the dwelling, the aggregate amount of the unpaid balance of the original principal obligation, plus the amount of the open-end advance, may exceed the amount of the original principal obligation of the mortgage, but in no event shall such aggregate amount exceed the maximum amounts prescribed by the limitations of § 221.17 or § 221.42.

(h) A mortgagee may amend or modify any approved FHA mortgage form by adding such provisions as it deems necessary for the purpose of making open-end advances, by any rider or modification agreement which is valid and enforceable in the jurisdiction in which the property covered by the mortgage is located, provided such rider or modification agreement retains in the mortgagee the right to approve or disaprove additional advances on such terms and conditions as the mortgagee may prescribe. The mortgagee will have the sole responsibility for determining that any mortgage amended by an "open-end" rider or modification agreement will be a valid and enforceable instrument and will constitute a valid first lien on the property upon which the Commissioner based his valuation.

EFFECTIVE DATE

§ 221.44 *Effective date.* Unless otherwise specified, the rules in this part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after August 9, 1954.

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

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EFFECTIVE DATE

222.18 Effective date.

AUTHORITY: §§ 222.1 to 222.18 issued under sec. 211, 52 Stat. 23; 12 U. S. C. 1715b.

DEFINITIONS

§ 222.1 *Definition of terms.* (a) The term "Commissioner" means the Federal Housing Commissioner.

(b) The term "act" means the National Housing Act.

(c) The term "mortgage" means such a first lien upon real estate as is commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of jurisdiction where the real estate is situated, together with the credit instruments, if any, secured thereby.

(d) The term "insured mortgage" means a mortgage which has been insured by the endorsement of the Commissioner.

(e) The term "mortgagor" means the original borrower under a mortgage and his heirs, executors, administrators and assigns.

(f) The term "mortgagee" means the original lender under a mortgage and its successors and such of its assigns as are approved by the Commissioner.

(g) The term "contract of insurance" means the endorsement of the Commissioner upon the credit instrument given in connection with an insured mortgage, incorporating by reference the regulations in this part.

INSURANCE PREMIUMS AND CHARGES

§ 222.2 *Annual mortgage insurance premiums and charges.* (a) The mortgagee shall pay to the Commissioner, either in cash or debentures issued by the Mutual Mortgage Insurance Fund at par plus accrued interest, mortgage insurance premiums in accordance with subparagraphs (1) and (2) of this paragraph which shall be calculated in accordance with the amortization provisions of the mortgage, without taking into account delinquent payments or prepayments.

(1) The initial mortgage insurance premium shall be paid on the date on which the insurance becomes effective by endorsement and shall cover the period beginning with the date of insurance endorsement and ending one year after the beginning of amortization. Regardless of whether such period is more or less than one year, a payment shall be made to the Commissioner on account of the initial mortgage insurance premium which payment shall be in an amount equal to ½ percent of the average outstanding principal obligation for the first year of amortization under the mortgage. If such payment is less than the minimum premium or more than the maximum premium prescribed by the act, the initial mortgage insurance premium shall be in the minimum amount prescribed by the act, and the amount of the second premium payment shall be adjusted accordingly; but if such payment is within the limitations prescribed by the act, no adjustment shall be made and the amount of the payment shall be retained by the Commissioner as the initial mortgage insurance premium.

(2) After payment of the initial mortgage insurance premium and until the mortgage is paid in full or the mortgaged property is acquired by the Commissioner, or until the contract of insurance is otherwise terminated with the consent of the Commissioner, the mortgagee shall continue to pay annual mortgage insurance premiums to the Commissioner. Such annual premium shall be paid on the anniversary date of the beginning of amortization and shall be in an amount equal to ½ percent of the average outstanding principal obligation for the 12-month period following the date on which the premium becomes payable.

(3) For the purpose of this paragraph the term "beginning of amortization" shall mean the date one month prior to the date of the first monthly payment.

(b) The mortgagee shall pay to the Commissioner, in cash, open-end insurance charges in accordance with subparagraphs (1) and (2) of this paragraph.

(1) The initial open-end insurance charge shall be paid on the date on which the insurance becomes effective by endorsement and shall cover the period beginning with the first day of the month following the date the mortgagee requests insurance endorsement and ending with the next anniversary date of the regular mortgage insurance premium. The initial insurance charge shall be in an amount equal to ½ percent of the principal obligation of the open-end advance for a 12-month period and shall be prorated for the time period computed as set forth in this subparagraph.

(2) After payment of the initial open-end insurance charge and until the mortgage is paid in full or the mortgaged property is acquired by the Commissioner, or until the contract of insurance is otherwise terminated, the mortgagee shall pay annual insurance charges to the Commissioner. Such annual charge shall be paid on the date the mortgage insurance premium on the original mortgage is paid and shall be in an amount equal to ½ percent of the original principal obligation of the open-end advance for the 12-month period following the date on which the charge is payable.

§ 222.3 *Prepayment premiums.* (a) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within 30 days thereafter notify the Commissioner of the date of prepayment and shall pay to the Commissioner an adjusted premium charge of 1 percent of the original principal amount of the prepaid mortgage.

(b) In no event shall the adjusted premium exceed the aggregate amount of premiums which would have been payable if the mortgage had continued to be insured until maturity.

(c) No adjusted premium shall be due or payable in the following cases:

(1) Where at the time of such prepayment there is placed on the mortgaged property a new insured mortgage;

(2) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year 15 percent of the original face amount of the mortgage, plus any increased amount resulting from open-end advances made pursuant to § 221.43 of this subchapter.

(3) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for—

(i) Damage to the mortgaged property;

(ii) The conveyance of the mortgaged property pursuant to condemnation proceedings or in lieu of condemnation proceedings; or

(iii) A release of a part of such property if approved by the Commissioner;

(4) Where payment in full is made pursuant to a court order or of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure, if the transaction is approved by the Commissioner; or

(5) Where payment in full is made within 60 days after the date the mortgage is endorsed for insurance, provided the mortgagee submits to the Commissioner a certificate signed by the mortgagor certifying that such payment was made in connection with the sale of the property to a veteran, as defined in § 221.9 (c) of this subchapter, for his occupancy as a home.

§ 222.4 *Pro-rata refund in event of prepayment.* Upon such prepayment the contract of insurance shall terminate and the Commissioner will refund to the mortgagee for the account of the mortgagor an amount equal to the pro-rata

portion of the current annual mortgage insurance premium and insurance charge in the case of open-end advances theretofore paid which is applicable to the portion of the year subsequent to such payment, computed from the first day of the month following the month in which such prepayment occurs, provided that no such refund will be made in any case where the prepayment occurs in the twelfth month of the premium year.

INSURANCE ENDORSEMENT

§ 222.5 *Form of endorsement.* Upon compliance, satisfactory to the Commissioner, with the terms of a commitment to insure, the Commissioner will (a) endorse the original credit instrument as follows:

No. ----------

Insured under section 203 of the National Housing Act and Regulations of the Federal Housing Commissioner thereunder, dated August 9, 1954, as amended.

FEDERAL HOUSING COMMISSIONER,
By ----------
(Authorized agent)
Date ----------

(b) Evidence insurance of an open-end advance by delivering to the mortgagee a certificate in form as follows:

No. ----------

Insured as an additional advance in the principal amount of $------ under section 203 of the National Housing Act and the Regulations of the Federal Housing Commissioner thereunder, dated August 9, 1954.

FEDERAL HOUSING COMMISSIONER,
By ----------
(Authorized agent)
Date ----------

§ 222.6 *Contract of insurance.* The mortgage, including any open-end advances made thereunder and approved by the Commissioner, shall be an insured mortgage from the date of endorsement. The Commissioner and the mortgagee shall thereafter be bound by the regulations in this part with the same force and to the same extent as if a separate contract had been executed relating to the insured mortgage, including the provisions of the regulations in this part and of the National Housing Act.

CLASSIFICATION OF MORTGAGES—MUTUAL MORTGAGE INSURANCE FUND

§ 222.7 *Mutual Mortgage Insurance Fund.* The Mutual Mortgage Insurance Fund shall consist of the General Surplus Account and the Participating Reserve Account. For any semi-annual period in which Mutual Mortgage Insurance operations, taking into consideration all income received from fees, premiums and earnings on investments of the fund, operating expenses of the fund and losses sustained under the provisions of insurance, shall result in a net income, or loss, the Commissioner may allocate a portion of such net income or such loss to the General Surplus Account and/or to the Participating Reserve Account as he may determine to be in accord with sound actuarial and accounting practice.

§ 222.8 *Distribution of participation shares.* In the event the mortgagor pays the obligation under a mortgage in full and the Commissioner is given notice by the mortgagee of such payment, the Commissioner is authorized to distribute to the mortgagor a share of the Participating Reserve Account in such manner and amount as the Commissioner shall determine to be equitable and in accordance with sound actuarial and accounting practice: *Provided*, That in no event shall any such distributable share exceed the aggregate scheduled annual premiums of the mortgagor to the year of termination of the insurance.

§ 222.9 *Rights to participation shares.* No mortgagor or mortgagee shall have any vested right in a credit balance in the General Surplus Account and/or the Participating Reserve Account or be subject to any liability arising out of the mutuality of the Mutual Mortgage Insurance Fund, and the determination of the Commissioner as to the amount to be paid by him to any mortgagor shall be final and conclusive.

RIGHTS AND DUTIES OF AN APPROVED MORTGAGEE UNDER THE CONTRACT OF INSURANCE

§ 222.10 *Termination of insurance.* In the event the mortgagee forecloses on the mortgaged property, but does not convey it to the Commissioner and the Commissioner is given written notice thereof; or in the event the mortgagor pays the obligation under the mortgage in full prior to the maturity thereof, and the mortgagee pays any adjusted premium required under this part, and the Commissioner is given written notice by the mortgagee of such payment by the mortgagor, the obligation to pay any subsequent premiums and charges for insurance shall cease and all rights of the mortgagee and mortgagor shall terminate as of the date of such notice.

§ 222.11 *Time of default.* If the mortgagor fails to make any payment, or to perform any other covenant or obligation under the mortgage, and such failure continues for a period of 30 days, the mortgage shall be considered in default, and the mortgagee shall, within 60 days thereafter, give notice in writing to the Commissioner of such default, unless such default has been cured or unless the Commissioner has been notified of a previous default which remains uncured.

§ 222.12 *Transfer of property to the Commissioner; conditions of default in mortgage.* (a) At any time within one year from the date of default the mortgagee, at its election, shall either—

(1) With and subject to the consent of the Commissioner, acquire by means other than foreclosure of the mortgage, possession of, and title to the mortgaged property; or

(2) Commence foreclosure of the mortgage: *Provided*, That if the laws of the State in which the mortgaged property is situated do not permit the commencement of such foreclosure within such period of time, the mortgagee shall commence such foreclosure within 60 days after the expiration of the time during which such foreclosure is prohibited by such laws.

(b) The mortgagee shall promptly give notice in writing to the Commissioner of the institution of foreclosure proceedings and shall exercise reasonable diligence in prosecuting such proceedings to completion.

(c) For the purposes of this section the date of default shall be considered as 30 days after—

(1) The first uncorrected failure to perform a covenant or obligation; or

(2) The first failure to make a monthly payment which subsequent payments by the mortgagor are insufficient to cover when applied to the overdue monthly payments in the order in which they became due.

(d) If after default and prior to the completion of foreclosure proceedings the mortgagor shall pay to the mortgagee all monthly payments in default and such expenses as the mortgagee shall have incurred in connection with the foreclosure proceedings, notice shall be given to the Commissioner, and the insurance shall continue as if such default had not occurred.

(e) Nothing contained in this section shall be construed so as to prevent the mortgagee, with the written consent of the Commissioner, from taking action at a later date than herein specified.

(f) If at any time during default the mortgagor is a "person in military service", as such term is defined in the Soldiers' and Sailors' Civil Relief Act of 1940, the period during which he is in such service shall be excluded in computing the one-year period within which the mortgagee shall commence foreclosure or acquire the property by other means as provided in this section and no postponement or delay in the prosecution of foreclosure proceedings during the period the mortgagor is in such military service shall be construed as failure on the part of the mortgagee to exercise reasonable diligence in prosecuting such proceedings to completion as required by this section.

(g) If the mortgagor is a person in military service, as defined in the Soldiers' and Sailors' Civil Relief Act of 1940, the mortgagee may, by written agreement with the mortgagor, postpone for the period of military service, and three months thereafter, that part of the monthly payment, or any part thereof which represents amortization of principal, provided such agreement contains a provision for the resumption of monthly payments thereafter in amounts which will completely amortize the mortgage debt within its original maturity. Such agreement, however, will in no way affect the amount of the annual mortgage insurance premium which will continue to be calculated in accordance with the original amortization provisions.

§ 222.13 *Condition of property when transferred; delivery of debentures and certificate of claim.* (a) If the default is not cured as aforesaid, and if the mortgagee has otherwise complied with the provisions of § 222.12 and at any time within 30 days (or such further time as may be necessary to complete the title examination and perfect such title) after acquiring possession of the mortgaged property by foreclosure, or by

other means in accordance with § 222.12 (a), the mortgagee shall either (1) tender to the Commissioner a satisfactory conveyance of title and transfer of possession (free of occupants if the Commissioner so requires) under a deed containing a covenant which warrants against the acts of the mortgagee and all claiming by, through, or under it, or (2) with the prior approval of the Commissioner, tender the property to the Commissioner a satisfactory conveyance of title and transfer of possession (free of occupants if the Commissioner so requires) under a deed or other satisfactory instrument of conveyance from the mortgagor or other appropriate grantor, such deeds or instrument of conveyance conveying good merchantable title (evidenced as provided in § 222.14) to such property, undamaged by fire, earthquake, flood, or tornado, and undamaged by waste, except as hereinafter in this section provided, and assigns (without recourse or warranty) any and all claims which it has acquired in connection with the mortgage transaction, and as a result of the foreclosure proceedings or other means by which it acquired or tendered such property, except such claims as may have been released with the approval of the Commissioner, the Commissioner shall promptly accept conveyance of such property and such assignment, and shall deliver to the mortgagee—

(1) Debentures of the Mutual Mortgage Insurance Fund as set forth in section 204 of the act, issued as of the date foreclosure proceedings were instituted or the property was otherwise acquired by the mortgagee after default, bearing interest at the rate of 2¾ percent per annum, payable semi-annually on the first day of January and the first day of July of each year, and having a total face value equal to the value of the mortgage as defined in section 204 (a) of the act. Such value shall be determined by adding to original principal of the mortgage, as increased by the amount of advances made by the mortgagee and approved by the Commissioner for the improvement or repair of the property pursuant to an "open-end" provision in the mortgage, which was unpaid on the date of the institution of foreclosure proceedings or the acquisition of the property otherwise after default, the amount of all payments which have been made by the mortgagee for taxes, ground rent and water rates, which are liens prior to the mortgage, special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage, insurance on the property mortgaged, any mortgage insurance premium or insurance charges paid after the institution of foreclosure proceedings or the acquisition of the property otherwise after default, any taxes imposed by the United States upon deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner and foreclosure costs actually paid by the mortgagee and approved by the Commissioner in an amount not in excess of two-thirds of such cost or $75, whichever is the greater, and by deducting from such total any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property: *Provided, however,* That with respect to mortgages to which the provisions of sections 302 and 306 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, apply, there shall be included in the debentures an amount which the Commissioner finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures and the payment of insurance premiums by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means during any part or all of the period of such military service and three months thereafter. Such debentures shall be registered as to principal and interest and all or any such debentures may be redeemed, at the option of the Commissioner, with the approval of the Secretary of the Treasury, at par and accrued interest on any interest payment day on three months' notice of redemption given in such manner as the Commissioner shall prescribe. Such debentures shall mature 20 years after the date thereof.

(2) A certificate of claim in accordance with section 204 (e) of the act, which shall become payable, if at all, upon the sale and final liquidation of the interest of the Commissioner in such property in accordance with section 204 (f) of the act. This certificate shall be for an amount which the Commissioner shall determine to be sufficient to pay all amounts due under the mortgage and not covered by the amount of debentures and shall include a reasonable amount for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings or the acquisition of the mortgaged property otherwise and the conveyance thereof to the Commissioner, including reasonable attorney's fees, unpaid interest, and cost of repairs to the property made by the mortgagee after default to remedy the waste mentioned in this section. Each such certificate of claim shall provide that there shall accrue to the holder thereof with respect to the face amount of such certificate, an increment at the rate of 3 percent per annum.

(b) The term "waste" as used in this section means permanent or substantial injury caused by unreasonable use, or abuse, and is not intended to include damage caused by ordinary wear and tear.

(c) The provisions of this section concerning waste shall not apply to mortgages on which the unpaid principal obligation at the time of the institution of foreclosure proceedings exceeds 75 percent of the appraised value of the property as of the date the mortgage was accepted for insurance, and in any event the obligation of the mortgagee to repair waste in accordance with such provision shall be limited to the amount of $100 for each family dwelling unit covered by the mortgage.

§ 222.14 *Satisfactory title evidence.* (a) Evidence of title of the following types will be satisfactory to the Commissioner:

(1) A fee or owner's policy of title insurance, a guaranty or guarantee of title, or a certificate of title, issued by a title company, duly authorized by law and qualified by experience to issue such;

(2) An abstract of title prepared by an abstract company or individual engaged in the business of preparing abstracts of title and accompanied by the legal opinion as to the quality of such title signed by an attorney at law experienced in examination of titles;

(3) A Torrens or similar title certificate; or

(4) Evidence of title conforming to the standards of a supervising branch of the Government of the United States or of any State or Territory thereof.

(b) Such evidence of title shall be furnished without cost to the Commissioner and shall be executed as of a date to include the recordation of the deed to the Commissioner, and shall show that according to the public records, there are not, at such date, any outstanding prior liens, including any past-due and unpaid ground rents, general taxes or special assessments.

(c) If the title and title evidence are such as to be acceptable to prudent lending institutions and leading attorneys generally in the community in which the property is situated, such title and title evidence will be satisfactory to the Commissioner and will be considered by him as good and merchantable.

(d) The Commissioner will not object to the title by reason of the following matters, provided they are not such as to impair the value of the property for residence purposes, or provided they have been brought to the attention of the insuring office for consideration in fixing the valuation:

(1) Customary easements for public utilities, party walls, driveways and other purposes; customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent;

(2) Such restrictions, when coupled with a reversionary clause, provided there has been no violation prior to the date of the deed to the Commissioner;

(3) Violations of cost or setback restrictions which do not provide a penalty of reversion or forfeiture of title, or a lien for liquidated damages which may be superior to the lien of the insured mortgage. Violations of such restrictions which do provide for such penalties, provided such penalty rights have been duly released or subordinated to the lien of the insured mortgage, or provided a policy of title insurance is furnished expressly insuring the Commissioner against loss by reason of such penalties;

(4) Violations of a restriction based on race, color or creed, even where such restriction provides for a penalty of reversion or forfeiture of title or a lien for liquidated damage, provided that there has not been an adverse judgment or pending suit in connection with the vio-

lation existing on the date the property is conveyed to the Commissioner;

(5) Easements for public utilities along one or more of the property lines and extending not more than 10 feet therefrom and for drainage or irrigation ditches along the rear 10 feet of the property, provided the exercise of the rights thereunder do not interfere with any of the buildings or improvements located on the subject property;

(6) Easements for underground conduits which are in place and do not extend under any buildings on the subject property;

(7) Mutual easements for joint driveways constructed partly on the subject property and partly on adjoining property, provided the agreements creating such easements are of record;

(8) Encroachments on the subject property by improvements on adjoining property where such encroachments do not exceed 1 foot, provided such encroachments do not touch any buildings or interfere with the use of any improvements on the subject property;

(9) Encroachments on adjoining property by eaves and overhanging projections attached to improvements on subject property where such encroachments do not exceed 1 foot;

(10) Encroachments on adjoining property by hedges, wooden or wire fences belonging to the subject property;

(11) Encroachments on adjoining property by driveways belonging to subject property where such encroachments do not exceed 1 foot, provided there exists a clearance of at least 8 feet between the buildings on the subject property and the property line affected by the encroachment;

(12) Variations between the length of the subject property lines as shown on the application for insurance and as shown by the record or possession lines, provided such variations do not interfere with the use of any of the improvements on the subject property and do not involve a deficiency of more than 2 percent with respect to the length of the front line or more than 5 percent with respect to the length of any other line.

(13) Encroachments by garages or improvements other than those which are attached to or a portion of the main dwelling structure over easements for public utilities, provided such encroachment does not interfere with the use of the easement or the exercise of the rights of repair and maintenance in connection therewith;

(14) Outstanding oil, water or mineral rights which, in the opinion of the Commissioner, do not impair the value of the property for residence purposes, or which are customarily waived by prudent lending institutions and leading attorneys generally in the community.

ASSIGNMENTS

§ 222.15 *Assignments in general.* (a) When the insured mortgage is transferred to another approved mortgagee, such transferor and transferee shall both notify the Commissioner of such transfer within 30 days thereof, and the transferee shall thereupon succeed to all the rights and become bound by all the obligations of the transferor under the contract of insurance, and the transferor shall thereupon be released from its obligations under the contract of insurance.

(b) Whenever the insured mortgage is transferred to another approved mortgagee for the purposes of collateral only, no notice need be given to the Commissioner until such collateral is foreclosed, but the transferor shall remain subject to all the obligations of the contract of insurance.

§ 222.16 *Termination of contract of insurance by assignment.* The contract of insurance shall terminate upon the happening of either of the following events:

(a) The acquisition of the insured mortgage by, or the pledge thereof to, any person, firm or corporation, public or private, other than an approved mortgagee, whether individually or in trust for another: *Provided*, That this paragraph shall not be applicable to a mortgage acquired or held by an approved mortgagee, which is a banking institution or trust company inspected and supervised by some governmental agency, or a trust held or administered by it in a fiduciary capacity, as long as such fiduciary relationship shall remain in effect.

(b) The disposal by an approved mortgagee of any partial interest in an insured mortgage or group of insured mortgages (whether to another approved mortgagee or otherwise) by means of a declaration of trust, or by a participation or trust certificate, or by any other device: *Provided, however*, That this paragraph shall not be applicable to—

(1) Any mortgage so long as it is held in a common trust fund maintained by a bank or trust company exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank or trust company in its capacity as a trustee, executor or administrator, and in conformity with the rules and regulations prevailing from time to time of the Board of Governors of the Federal Reserve System pertaining to the collective investment of trust funds;

(2) Any mortgage so long as it is held in a common trust estate administered by a bank or trust company which is subject to the inspection and supervision of a governmental agency, exclusively for the benefit of and supervision of a governmental agency, and which are authorized by law to acquire beneficial interests in such common trust estate, nor to any mortgage or group of mortgages transferred to such a bank or trust company as trustee exclusively for the benefit of outstanding owners of undivided interests in the trust estate, under the terms of certificates issued and sold more than three years prior to said transfer, by a corporation which is subject to the inspection and supervision of a governmental agency;

(3) Any participation in a mortgage by one or more banks or trust companies pursuant to an agreement entered into prior to the insurance of such mortgage under which such institutions participate in the advance of construction funds in contemplation of reimbursement from the proceeds of the sale of the insured mortgage, and such participation may continue for such period of time after the insurance of the mortgage as may be required to execute the purposes of such agreement, provided the mortgagee presenting the mortgage for insurance is entitled to all the rights and is bound by all the obligations of the contract of insurance; or

(4) Any participation in a mortgage by two banks or trust companies under an agreement which provides that one of the participants shall be the mortgagee of record under the contract of mortgage insurance and that the Federal Housing Commissioner shall be under no obligation to recognize or deal with the other participant with respect to the obligations of the mortgagee under the contract of insurance or the rights of the mortgagee to obtain the benefits of the contract of insurance.

AMENDMENTS

§ 222.17 *Amendments to regulations.* The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not affect the contract of insurance on any mortgage already insured, or any mortgage or prospective mortgage on which the Commissioner has made a commitment to insure.

EFFECTIVE DATE

§ 222.18 *Effective date.* The regulations in this part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after August 9, 1954.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 54-6231; Filed, Aug. 10, 1954; 8:53 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

TEMPORARY PERMITS FOR INTERSTATE SHIPMENT OF EXPERIMENTAL PACKS OF FOOD VARYING FROM REQUIREMENTS OF DEFINITIONS AND STANDARDS OF IDENTITY

Effective upon publication in the FEDERAL REGISTER, § 3.12 (c) (6) is revised to read as follows:

§ 3.12 *Temporary permits for interstate shipment of experimental packs of food varying from the requirements of definitions and standards of identity.* * * *

(c) * * *

(6) The amount of any new ingredient to be added; the amount of any ingredient, required by the standard, to be eliminated; any change of concentration not contemplated by the standard; or any change in name that would more appropriately describe the new product under test. If such new ingredient is not a commonly known food ingredient, a description of its properties

and basis for concluding that it is not a deleterious substance.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 306, 401, 403; 52 Stat. 1045, 1046, as amended 68 Stat. 54; 52 Stat. 1047; 21 U. S. C. 336, 341, 343)

Dated: August 5, 1954.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 54-6197; Filed, Aug. 10, 1954; 8:50 a. m.]

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Doc. 54-5961, appearing at page 4902 of the issue for Thursday, August 5, 1954, the following changes should be made:

In § 141b.126, the figure "0.10M" appearing in paragraphs (a) (1) (i) and (b) (2) and the figure "0.1M" appearing in paragraph (a) (1) (ii) (c) and (g) should read "0.10*M*" and "0.1*M*", respectively.

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for certification of batches of antibiotic and antibiotic-containing drugs (21 CFR Parts 146, 146a, 146c; 19 F. R. 1141, 1460, 1461) are amended as indicated below:

1. In § 146.26 *Animal feed containing penicillin* * * * paragraph (f) (2) is amended by changing the formula "2,2'-dichloro-5,5'dihydroy-diphenylmethane" to read "2,2'dihydroxy-5,5'dichlorodiphenylmethane".

2. In § 146a.40 *Penicillin bougies* * * * subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by changing the semicolon at the end thereof to a comma, omitting the word "and," and adding the following clause: "unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that his drug is stable at room temperature;".

3. Section 146c.205 *Chlortetracycline powder* * * * is amended as follows:

a. In paragraph (a) *Standards of identity* * * * change the words "and flavorings" to read "flavorings, and local anesthetics (if it is intended for use solely as a dusting powder)."

b. In paragraph (1) (iv) of paragraph (c) *Labeling*, the words "or local anesthetic" are inserted immediately after the word "preservative".

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: August 5, 1954.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 54-6196; Filed, Aug. 10, 1954; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 6086; Regs. 118]

PART 39—INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

EXEMPTIONS GRANTED TO INCOME OF FOREIGN GOVERNMENTS, INTERNATIONAL ORGANIZATIONS AND THEIR EMPLOYEES

On February 19, 1954, notice of proposed rule making regarding amendments to conform Regulations 118 (26 CFR Part 39) to the provisions of section 247 of the Immigration and Nationality Act, enacted June 27, 1952, relating to the exemptions granted to employees of foreign governments and international organizations, was published in the FEDERAL REGISTER (19 F. R. 976). After consideration of all relevant matter presented by interested persons regarding the rules proposed, the amendments to Regulations 118 set forth below are hereby adopted:

PARAGRAPH 1. Section 39.116-2 is amended as follows:

(A) By striking "All" at the beginning of paragraph (a) (2) and inserting in lieu thereof the following: "Except to the extent that the exemption is limited by the execution and filing of the waiver provided for in section 247 (b) of the Immigration and Nationality Act, all".

(B) By adding after paragraph (a) (2) the following new subparagraph (3):

(3) Section 247 (b) of the Immigration and Nationality Act provides as follows:

(b) The adjustment of status required by subsection (a) [of section 247 of the Immigration and Nationality Act] shall not be applicable in the case of any alien who requests that he be permitted to retain his status as an immigrant and who, in such form as the Attorney General may require, executes and files with the Attorney General a written waiver of all rights, privileges, exemptions, and immunities under any law or any executive order which would otherwise accrue to him because of the acquisition of an occupational status entitling him to a nonimmigrant status under paragraph (15) (A), (15) (E), or (15) (G) of section 101 (a).

An employee of a foreign government who executes and files with the Attorney General the waiver provided for in section 247 (b) of the Immigration and Nationality Act thereby waives the exemption conferred by section 116 (h) of the Code. As a consequence, such exemption does not apply to income received by such alien after the date of filing of the waiver.

(C) By striking "Subject to" at the beginning of paragraph (b) (2) and inserting in lieu thereof the following: "Except to the extent that the exemption is limited by the execution and filing of the waiver provided for in section 247 (b) of the Immigration and Nationality Act, and subject to".

(D) By adding a subparagraph (4) to paragraph (b) and a new paragraph (c) (following the text of section 9 of the International Organizations Immunities Act) as follows:

(4) An officer or employee of an international organization who executes and files with the Attorney General the waiver provided for in section 247 (b) of the Immigration and Nationality Act thereby waives the exemption conferred by section 116 (h) of the Code. As a consequence, such exemption does not apply to income received after the date of filing of the waiver.

(c) *Tax conventions, consular conventions, and international agreements.* A tax convention or consular convention between the United States and a foreign country, which provides that the United States may include in the tax base of its residents all income taxable under the internal revenue laws, and which makes no specific exception for the income of the employees of that foreign government, does not provide any exemption (with respect to residents of the United States) beyond that which is provided by the internal revenue laws. Accordingly, the effect of the execution and filing of a waiver under section 247 (b) of the Immigration and Nationality Act by an employee of a foreign government which is a party to such a convention is to subject the employee to tax to the same extent as provided in paragraph (a) of this section with respect to the waiver of exemption under section 116 (h). On the other hand, if a tax convention, consular convention, or international agreement provides that compensation paid by the foreign government or international organization to its employees is exempt from Federal income tax, and the application of this exemption is not dependent upon the provisions of the internal revenue laws, the exemption so conferred is not affected by the execution and filing of a waiver under section 247 (b) of the Immigration and Nationality Act. For examples of exemptions which are not affected by the Immigration and Nationality Act, see Article X of the British Tax Convention, Article IX, section 9 (b) of the Articles of Agreement of the International Monetary Fund (60 Stat. 1401), and Article VII, section 9 (b) of the Articles of Agreement of the Interna-

tional Bank for Reconstruction and Development (60 Stat. 1440).

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: August 5, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-6202; Filed, Aug. 10, 1954; 8:51 a. m.]

Subchapter B—Estate and Gift Taxes

[T. D. 6085]

PART 82—TAXATION PURSUANT TO TREATIES

SUBPART—UNITED KINGDOM

CREDIT FOR ESTATE DUTIES IMPOSED IN GREAT BRITAIN AND NORTHERN IRELAND

Section 82.107 (a) of Treasury Decision 5565, approved May 27, 1947 (26 CFR Part 82) containing regulations pursuant to the death duty convention between the United States and the United Kingdom is amended as follows:

(A) By inserting immediately at the end of paragraph (a) (8) thereof (26 CFR 82.107 (a) (8)) the following: "In lieu of setting forth the computation on this form, the computation may be made on the appropriate schedule provided for in such return."

(B) By inserting immediately at the end of the first sentence of paragraph (a) (10) thereof (26 CFR 82.107 (a) (10)) the following: "In lieu of such form, there may be used for the above purpose, Form 706CE, Certification of Payment of Foreign Death Duty."

Because this Treasury decision merely amends Treasury Decision 5565 to permit the use of alternate forms in lieu of those already authorized, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

(53 Stat. 467; 26 U. S. C. 3791. Interprets or applies ch. 3, 53 Stat. 119, as amended; 26 U. S. C. 800-938)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: August 5, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-6201; Filed, Aug. 10, 1954; 8:51 a. m.]

Subchapter C—Miscellaneous Excise Taxes

[T. D. 6087; Regs. 28, 31]

PART 176—DRAWBACK ON DISTILLED SPIRITS AND WINES

PART 199—REMOVALS OF ALCOHOLIC LIQUORS, TOBACCO PRODUCTS, AND OTHER ARTICLES OF DOMESTIC MANUFACTURE TO FOREIGN-TRADE ZONES

PROVISIONS FOR WITHDRAWAL OF LIQUORS FOR USE ON CERTAIN VESSELS AND AIRCRAFT

Subsections (a) and (b) of section 309 of the Tariff Act of 1930 were amended by Public Law 243, 83d Congress, to read as follows:

SEC. 309. *Supplies for certain vessels and aircraft*—(a) *Exemption from duties and taxes.* Articles of foreign or domestic origin may be withdrawn, under such regulations as the Secretary of the Treasury may prescribe, from any customs bonded warehouse, from continuous customs custody elsewhere than in a bonded warehouse, or from a foreign-trade zone free of duty and internal-revenue tax, or from any internal-revenue bonded warehouse, from any brewery, or from any winery premises or bonded premises for the storage of wine, free of internal-revenue tax—

(1) For supplies (not including equipment) of (A) vessels or aircraft operated by the United States, (B) vessels of the United States employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions, or (C) aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions; or

(2) For supplies (including equipment) or repair of (A) vessels of war of any foreign nation, or (B) foreign vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign vessels is permitted; or

(3) For supplies (including equipment), ground equipment, maintenance, or repair of aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where trade by foreign aircraft is permitted. With respect to articles for ground equipment, the exemption hereunder shall apply only to duties and to taxes imposed upon or by reason of importation.

(b) *Drawback.* Articles withdrawn from bonded warehouses, bonded manufacturing warehouses, continuous customs custody elsewhere than in a bonded warehouse, or from a foreign-trade zone, and articles of domestic manufacture or production, laden as supplies upon any such vessel or aircraft of the United States or laden as supplies (including equipment) upon, or used in the maintenance or repair of, any such foreign vessel or aircraft, shall be considered to be exported within the meaning of the drawback provisions of this Act.

* * * * *

To conform to the foregoing provisions of law and (a) to clarify the provisions for crediting the accounts kept with bonds when liquors are used on vessels and aircraft, and (b) to modify the provisions of regulations waiving the affidavit of use (of the master or other officer) of distilled spirits and wines on vessels and aircraft, by increasing the amount of taxable liability governing such waiver, for any one shipment, from $25 to $100, Regulations 28 (26 CFR Part 176) and Regulations 31 (26 CFR Part 199) are amended as follows:

PARAGRAPH 1. Whenever the term "district supervisor" appears in the sections of the regulations revised by this Treasury decision, such term is hereby amended to read "Assistant Regional Commissioner". "Assistant Regional Commissioner" means the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of, the Regional Commissioner.

PAR. 2. Regulations 28 (26 CFR Part 176) are amended as follows:

(A) Section 176.11 is amended by:

1. Changing paragraph (b) to read as follows:

(b) *Allowance when laden as supplies upon certain vessels or aircraft.* Distilled spirits or wines, bottled or packaged especially for export with benefit of drawback in accordance with this part, shall be considered to be exported for the purpose of drawback of taxes, when laden as supplies on, vessels and aircraft as follows:

(1) Vessels or aircraft operated by the United States;

(2) Vessels of the United States employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions;

(3) Aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions;

(4) Vessels of war of any foreign nation;

(5) Foreign vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign vessels is permitted; or

(6) Aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where trade by foreign aircraft is permitted, and where the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found such foreign country allows, or will allow, substantial reciprocal privileges in respect to aircraft registered in the United States.

2. Changing the citation at the end of paragraph (c) to read, "(46 Stat. 690 as amended, 53 Stat. 377 as amended; 19 U. S. C. 1309, 26 U. S. C. 3179)".

(B) There is inserted immediately following § 176.11 the following new section:

§ 176.11a *Reciprocating foreign countries.* The Commissioner will advise Assistant Regional Commissioners concerning those foreign countries which will allow, to aircraft registered in the United States and engaged in foreign trade, privileges substantially reciprocal to the privileges allowed herein to aircraft of a foreign country. Assistant Regional Commissioners may approve applications to withdraw spirits or wines for use on aircraft of such countries. Where application is made to withdraw spirits or wines with benefit of drawback for use on aircraft of other foreign countries, which it is claimed reciprocate similar privileges to aircraft of the United States, the applicant must first establish the right of such withdrawal. In appropriate cases, the applicant should request the Secretary of Commerce to find and advise the Secretary of the Treasury that such foreign country or countries allow, or will allow, substan-

tially reciprocal privileges to aircraft of the United States.

(46 Stat. 690 as amended; 19 U. S. C. 1309)

(C) Section 176.47 is amended by:

1. Changing the period at the end of the last sentence to a colon and adding the following proviso: "*Provided*, That in the case of distilled spirits or wines laden on vessels of war, or in the case of any shipment where the amount of tax on the spirits or wines laden as supplies on other vessels and aircraft does not exceed $100, credit will be given at the time of receipt of the clearance certificate from the Collector of Customs as provided in § 176.54."

2. Changing the citation to read, "(46 Stat. 690 as amended, 53 Stat. 377 as amended; 19 U. S. C. 1309, 26 U. S. C. 3179)".

(D) Section 176.59 is amended by:

1. Striking the words "or the Commissioner" within the parenthesis in the first sentence.

2. Inserting the words "or wines" following the words "having knowledge of the facts, showing that the spirits" in the first sentence.

3. Striking the proviso at the end of the first sentence and all of the second sentence and inserting in lieu thereof: "*Provided*, That such affidavit will not be required, in the case of any shipment, when the distilled spirits or wines are laden on vessels of war or where the amount of tax on the distilled spirits or wines does not exceed $100."

4. Changing the citation to read, "(46 Stat. 690 as amended, 53 Stat. 377 as amended; 19 U. S. C. 1309, 26 U. S. C. 3179)".

PAR. 3. Regulations 31 (26 CFR Part 199) are amended by inserting immediately following § 199.2 the following new section:

§ 199.3 *Articles laden as supplies on vessels and aircraft.* For the purpose of section 309 of the Tariff Act of 1930, as amended by section 11 of the Customs Simplification Act of 1953 (Public Law 243, 83rd Congress), articles removed to foreign-trade zones under the provisions of this part may be removed, pursuant to the provisions of § 30.16 of Title 19, Chapter I, Part 30, of the Code of Federal Regulations, for use as supplies on vessels and aircraft.

It is found that compliance with the notice, public procedure thereon and effective date requirements of the Administrative Procedure Act, approved June 11, 1946, is unnecessary for the issuance of these amendments, for the reason that such amendments merely conform the regulations to the provisions of subsections (a) and (b) of section 309 of the Tariff Act of 1930, as amended by Public Law 243 (83rd Congress), or are of an administrative or liberalizing character.

This Treasury decision shall be effective upon the date of publication in the FEDERAL REGISTER.

(48 Stat. 999, as amended, 53 Stat. 375, 467; 19 U. S. C. 81c, 26 U. S. C. 3176, 3791)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

RALPH KELLY,
Commissioner of Customs.

Approved: August 5, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-6198; Filed, Aug. 10, 1954; 8:50 a. m.]

[T. D. 6088; Regs. 21, 24, 28, 31]

PART 176—DRAWBACK ON DISTILLED SPIRITS AND WINES

PART 180—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

PART 191—IMPORTATION OF DISTILLED SPIRITS, WINES, AND FERMENTED LIQUORS

PART 199—REMOVALS OF ALCOHOLIC LIQUORS AND OTHER ARTICLES OF DOMESTIC MANUFACTURE TO FOREIGN-TRADE ZONES

DECENTRALIZATION OF ASSESSMENT AND CLAIMS FUNCTIONS PERTAINING TO LIQUORS

The purposes of this Treasury decision are (a) to amend regulations to conform to the delegation to Assistant Regional Commissioners, Alcohol and Tobacco Tax, of final authority with respect to (1) determination and assessment of tax liabilities, and (2) allowance or disallowance of claims for remission, abatement, and refund of taxes and penalties, claims for drawback of taxes and claims for redemption of stamps, pertaining to liquors, effected by IR-Mimeograph No. 232, dated July 6, 1953, and Amendment 1 thereto dated October 5, 1953, and (b) to discontinue the requirements for the preparation and submission by proprietors of the Commissioner's copy of various supporting forms formerly required for use by the National Office in considering claims for drawback of taxes. Accordingly, the following amendments to regulations are hereby adopted.

PARAGRAPH 1. Wherever the term "supervisor," "District Supervisor" or "Assistant District Commissioner" appears in the sections of the regulations revised by this Treasury decision, such term is hereby amended to read "Assistant Regional Commissioner." Similarly, the term "collector," "collector of internal revenue," or "director" is hereby amended to read "District Director of Internal Revenue." "Assistant Regional Commissioner" means the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of, the Regional Commissioner.

PAR. 2. Regulations 28 (26 CFR Part 176) are amended as follows:

(A) Section 176.8 is amended as follows:

(1) By striking the first sentence of paragraph (a) and inserting in lieu thereof the following new sentences: "Upon receipt of such application the Assistant Regional Commissioner shall compare the data submitted with the records of his office, Form 1440, filed by the proprietor of the bonded warehouse from which the alcohol was withdrawn taxpaid, and if the data are found to be correct, he shall prepare and execute Form 646. If the place of manufacture at which the alcohol was used is in his region, he will prepare Form 646 in duplicate, assign a serial number thereto, forward the original to the appropriate collector of customs, and retain the copy for his files. If the place of manufacture at which the alcohol was used is in another region, he will prepare Form 646 in triplicate, transmit the original and one copy to the Assistant Regional Commissioner for the region in which the place of manufacture is located, and retain the remaining copy for his files. The Assistant Regional Commissioner for the region in which the place of manufacture is located will indicate his approval in a blank space on both copies of the Form 646, assign a serial number thereto, forward the original to the appropriate collector of customs, and retain the remaining copy for his files. Serial numbers for Form 646 shall begin with 1 and shall be preceded by an abbreviation of the name of the city in which is located the headquarters of the Assistant Regional Commissioner assigning the number."

(2) By revoking paragraph (c).

(B) By revoking § 176.9, and the undesignated center head "Issuance of Certificate of Tax-Payment" immediately preceding § 176.9.

(C) By inserting immediately preceding § 176.10 the following new section:

§ 176.9a *Submission of claim.* Request for the allowance of drawback shall be addressed to the Assistant Regional Commissioner, Alcohol and Tobacco Tax, for the region in which the product covered by the drawback claim was manufactured, and will be submitted to the collector of customs, who will forward it, together with the customs Form 4539, to the Assistant Regional Commissioner. If Form 4539 covers alcohol used under more than one certificate on Form 646, the Form 4539 shall specify the quantity chargeable against each certificate, Form 646, and the serial number of each such certificate.

(46 Stat. 690 as amended, 693 as amended, 53 Stat. 377 as amended; 19 U. S. C. 1309, 1313, 26 U. S. C. 3179)

(D) The undesignated center head "Approval of Claim and Payment of Drawback," immediately preceding § 176.10 is revoked.

(E) Section 176.10, as amended by Treasury Decision 5539, is further amended by changing the headnote and the section to read as follows:

§ 176.10 *Action by Assistant Regional Commissioner.* Upon receipt of the request for payment of drawback and the customs Form 4539, the Assistant Regional Commissioner will examine the

request and supporting documents, and allow or disallow the claim in accordance with existing law and regulations.

(F) Section 176.16, as amended by Treasury Decision 5691, is further amended as follows:

(1) By striking from the first sentence of paragraph (a) the title of Form 230 and the phrase "in triplicate" and inserting in lieu thereof the following: "in duplicate".

(2) By striking from the second sentence of paragraph (c), which begins "Upon completion", the phrase "forward the remaining two copies (one the original with the taxpaid stamps or other evidence of taxpayment attached)" and inserting in lieu thereof the following: "forward the original, with the taxpaid stamps or other evidence of taxpayment attached,".

(3) By revoking paragraph (e).

(4) By striking from the fourth sentence of paragraph (f), which begins, "Form 1656 will be", the words "supervisory district" and inserting in lieu thereof the following: "region".

(5) By striking from the fifth sentence of paragraph (f) which begins, "All copies", the phrase ", or designated officer,".

(6) By inserting after the fifth sentence of paragraph (f) the following new sentence: "Where imported spirits or wines were used in the manufacture of the spirits and wines bottled especially for export, the Assistant Regional Commissioner will not approve the application prior to the receipt of Form 1583."

(7) By striking from the eighth sentence of paragraph (f), which begins, "If the spirits", the word "district" in two places and inserting in lieu thereof the following: "region".

(G) Section 176.17, as amended by Treasury Decision 5691, is further amended as follows:

(1) By striking from the first sentence of paragraph (a) the phrase "Form 230, 'Description and Gauge of Spirits or Wines for Bottling Without Rectification', in triplicate," and inserting in lieu thereof the following: "Form 230, in duplicate,".

(2) By striking from the third sentence of paragraph (c), which begins, "Upon completion", the phrase "forward the remaining two copies (one the original)" and inserting in lieu thereof the following: "forward the original".

(3) By revoking paragraph (e).

(H) Section 176.17a, as added by Treasury Decision 5599, is amended by striking from the first sentence of paragraph (a) the phrase "in triplicate," and inserting in lieu thereof the following: "in duplicate,".

(I) Section 176.17n, as added by Treasury Decision 5599, is amended by striking the phrase "forward two copies of the Form 1684 (one, the original with the taxpaid stamps or other evidence of taxpayment attached)" and inserting in lieu thereof the following: "forward the original of Form 1684, with the taxpaid stamps or other evidence of taxpayment attached,".

(J) Section 176.17o is revoked.

(K) Section 176.17p, as amended by Treasury Decision 5631, is amended as follows:

(1) By striking from the first sentence the phrase "the regulations in."

(2) By striking from the fifth sentence, which begins, "All copies", the phrase ", or designated officer,".

(3) By inserting after the fifth sentence the following new sentence: "Where imported spirits or wines were used in the manufacture of the spirits and wines packaged especially for export, the Assistant Regional Commissioner will not approve the application prior to the receipt of Form 1583."

(4) By striking from the eighth sentence, which begins, "If the spirits", the word "district" in two places and inserting in lieu thereof the following: "region".

(L) Section 176.18, as amended by Treasury Decision 5599, is further amended by striking from the first sentence the phrase "Form 122, 'Rectifier's Application to Dump Spirits, Wines or Other Liquors, and Return of Gauge', in triplicate," and inserting in lieu thereof the following: "Form 122, in duplicate,".

(M) Section 176.19, as amended by Treasury Decision 5599, is further amended by striking from the third sentence, which begins, "Immediately after", the phrase "two copies of the Form 122 (one, the original, with the cut-out portions of the taxpaid stamps, or other prescribed evidence of taxpayment, attached)" and inserting in lieu thereof the following: "the original of Form 122, with the cut-out portions of the taxpaid stamps, or other prescribed evidence of taxpayment, attached,".

(N) Section 176.21, as amended by Treasury Decision 5804, is further amended as follows:

(1) By changing the comma following the phrase "§§ 190.276 to 190.309, inclusive, of this chapter" in the first sentence of paragraph (a) to a period and striking the phrase "and an additional copy of such form shall be prepared in each case."

(2) By striking from the fifth sentence of paragraph (a), which begins, "The rectification tax", the reference "§§ 190.276 to 190.309".

(3) By striking the sixth sentence of paragraph (a), which begins, "The additional copy of Form 237".

(4) By revoking paragraph (b).

(5) By striking from the second sentence of paragraph (c), which begins, "Such export", the reference "(Part 190 of this chapter)".

(O) Section 176.22, as amended by Treasury Decision 5691, is further amended as follows:

(1) By striking the sixth sentence, which begins, "The district supervisor shall forward".

(2) By striking from the seventh sentence, which begins, "If the spirits", the phrase "two copies" and inserting in lieu thereof the following: "the original".

(P) Section 176.23, as amended by Treasury Decision 5631, is further amended as follows:

(1) By striking from the third sentence of paragraph (a), which begins, "The bottler", the word "triplicate" and inserting in lieu thereof the following: "duplicate".

(2) By revoking paragraph (e).

(Q) Section 176.35, as amended by Treasury Decision 5804, is further amended by changing the headnote and the section to read as follows:

§ 176.35 *Claim and entry*—(a) *Distilled spirits and wines exported, deposited in foreign-trade zones, or used as supplies on vessels.* Claim for allowance of drawback of internal revenue taxes on distilled spirits or wines manufactured or produced in the United States and bottled or packaged especially for export, and entry for the exportation, deposit in foreign-trade zone, or use as supplies on vessels (as provided in § 176.11), of such spirits or wines with benefit of drawback, shall be prepared by the exporter on Form 1582, in triplicate, for distilled spirits, and Form 1582–A, in triplicate, for wines. If the spirits or wines on which drawback is claimed are for use as supplies on vessels, notation to that effect will be made by the claimant in Part 2 of Form 1582 or of 1582–A and the exporter's affidavit in Form 1582 or Form 1582–A will also be modified by striking out the words "exported to the port" and substituting therefor the words "laden for use as ship's supplies on the vessel".

(b) *Distilled spirits and wines used as supplies on aircraft.* Claim for allowance of drawback of internal revenue taxes on distilled spirits or wines manufactured or produced in the United States and bottled or packaged especially for export, and entry for use as supplies on aircraft (as provided in § 176.11) of such spirits or wines with benefit of drawback, shall be prepared by the exporter on Form 1582, in quadruplicate, for distilled spirits, and Form 1582–A, in quadruplicate, for wines. In Part 2 of Form 1582 or Form 1582–A the exporter will note that the spirits or wines covered thereby are for use as supplies on aircraft, and under the statement "Schedule of Merchandise" will show, in addition to the information required by the form, the number and size of the bottles contained in the shipment. The exporter's affidavit in Form 1582 or Form 1582–A will also be modified by striking out the words "exported to the port" and substituting therefor the words "laden for use as supplies on the aircraft." One copy of Form 1582 or Form 1582–A shall be marked "consignee's copy."

(c) *Execution and filing.* All copies of Form 1582 or Form 1582–A, with Part 1 and Part 2 executed, shall be filed by the exporter with the Assistant Regional Commissioner of the region wherein is located the export storage room in which the spirits or wines are stored at the time of exportation. All of the information indicated in the headings and various lines of the form, and the instructions printed thereon or issued in respect thereto, and as required by this part, shall be furnished. Forms 1582 and 1582–A must be verified under oath by the exporter or his authorized agent: *Provided*, That if the forms officially prescribed for such use contain therein provision for verification by a written

declaration that such claims are made under the penalties of perjury such claims shall be verified by the execution of such declaration and such declaration so executed shall be in lieu of the oath required herein for verification. Where Form 1582 or 1582–A is signed by an agent, proper power of attorney authorizing the agent to execute the claim for the exporter must be filed with the Assistant Regional Commissioner.

(R) Section 176.37, as amended by Treasury Decision 5599, is further amended as follows:

(1) By striking the phrase "Supervisory District No. _____" in the illustration and inserting in lieu thereof the following: "City _____, State _____."

(S) Section 176.38 is amended as follows:

(1) By striking from the third sentence, which begins, "The other", the phrase, "other three" and inserting in lieu thereof the following: "remaining".

(2) By striking from the third sentence the phrase ", who shall immediately forward or deliver the three copies to the collector of customs at the port of export." and inserting in lieu thereof the following: "The exporter or his agent shall immediately forward or deliver all copies to the collector of customs at the port of export, except that where the Form 1582 or 1582–A covers distilled spirits or wines for use as supplies on aircraft, the copy prepared and marked for the consignee in accordance with § 176.35 (b) will be sent to the airline ordering the distilled spirits or wines at the airport where the distilled spirits or wines are to be delivered."

(T) Section 176.39, as amended by Treasury Decision 5599, is further amended as follows:

(1) By striking from the first sentence the word "triplicate" and inserting in lieu thereof the following: "duplicate".

(2) By striking from the second sentence the phrase "Two copies" and inserting in lieu thereof the following: "The original".

(3) By striking from the second sentence the phrase "Alcohol Tax Unit district" and inserting in lieu thereof the following: "region".

(U) Section 176.41, as amended by Treasury Decision 5599, is further amended by changing the headnote and the section to read as follows:

§ 176.41 *Certificate required before approval of claim or transfer application, Form 1656.* The Assistant Regional Commissioner will not approve a claim for drawback, or an application on Form 1656, when the spirits or wines covered thereby are manufactured from imported spirits or wines, until the Form 1583 has been received.

(V) Section 176.45 is amended as follows:

(1) By striking from the third sentence, which begins, "The claim", the phrase "approved by the district supervisor" and inserting in lieu thereof the following "allowed".

(2) By striking the fourth sentence, which begins "Where such evidence".

(W) Section 176.48, as amended by Treasury Decision 5599, is further amended as follows:

(1) By inserting before the first sentence the following new sentences: "All distilled spirits and wines withdrawn from export storage rooms for use as supplies on aircraft will be consigned to the airline at the airport from which the aircraft will depart in international travel, in care of the collector of customs. Upon receipt of the distilled spirits or wines they will be stored at the airport under customs custody until laden as supplies on aircraft."

(2) By striking from the first sentence the phrase "Every case or package of" and inserting in lieu thereof the following: "All other".

(X) Section 176.49, as amended by Treasury Decision 5599, is further amended as follows:

(1) By striking from paragraph (b) the phrases "or aircraft" and "or by an authorized officer of the aircraft or air line company, in the case of supplies for aircraft,".

(2) By adding after the first sentence the following new sentence: "If the spirits or wines on which drawback is claimed are for use as supplies on aircraft, receipt therefor in lieu of export bill of lading will be obtained as provided in § 176.52b."

(Y) Section 176.52, as amended by Treasury Decision 5599, is further amended as follows:

(1) By inserting a headnote to paragraph (a) to read as follows: "(a) *General*".

(2) By striking from the fifth sentence which begins "After having" the word "aircraft,".

(3) By inserting immediately following the fifth sentence the following new sentence: "If the spirits or wines are for use as ship's supplies, the customs inspector will also note that fact on Part 6 of Form 1582 or 1582–A."

(4) By striking from the sixth sentence, which begins, "If the customs" the phrase "district supervisor of the Alcohol Tax Unit district" and inserting in lieu thereof the following: "Assistant Regional Regional Commissioner, Alcohol and Tobacco Tax, for the region".

(5) By designating the present paragraph (a) (1) as paragraph (b).

(6) By revoking the present paragraph (b).

(Z) There are inserted, immediately following § 176.52, the following new sections:

§ 176.52a *Distilled spirits or wines for use as supplies on aircraft.* When an airline desires to withdraw distilled spirits or wines from its stock being held at the airport under customs custody, as supplies for a particular aircraft, a requisition in triplicate will be prepared for presentation to the customs officer. The requisition shall show the flight number, the registry number of the aircraft on which the distilled spirits or wines are to be laden, the date of departure of the aircraft, and the brand, kind, and quantity of distilled spirits or wines. Where the distilled spirits or wines are contained in kits which have been previously prepared while the distilled spirits or wines are under customs custody, the kit number will also be shown on the requisition. Where the kits are not prepared and the distilled spirits or wines are withdrawn for direct lading on aircraft, the requisitions shall be serially numbered in lieu of the insertion of the kit number. When the distilled spirits or wines are withdrawn and laden aboard the aircraft, the lading will be verified by the customs officer by an appropriate stamp or notation on the requisition. One copy of the requisition will be retained by the customs officer who certifies to the lading for attachment to the outgoing manifest. The other two copies will be delivered to the airline which will retain both copies until the return of the flight. In case any distilled spirits or wines are removed from the aircraft upon its return, appropriate notation will be made on both copies of the requisition retained by the airline and one copy will be delivered to the customs officer for attachment to the incoming manifest. The remaining copy will be retained by the airline.

§ 176.52b *Certificate of use for distilled spirits or wines used as supplies on aircraft.* When all of the distilled spirits or wines represented by any Form 1582 or 1582–A have been withdrawn from customs custody, and laden and used as supplies on aircraft, the airline will prepare a certificate of use on which are itemized all requisitions for such distilled spirits or wines. The certificate shall show the name of the exporter, the entry number, the brand and kind of spirits or wines, and the number of bottles to be accounted for; and, as to each requisition, the requisition (or kit) number, the date laden, the registry number of the aircraft, the country for which the aircraft was cleared, and the number of bottles used. The certificate shall be in substantially the following form:

Name of Exporter _____
Entry No. _____
Brand and kind of spirits or wines _____
No. of bottles to be accounted for _____

No. of requisition (or kit number)	Date laden	Registry No. of aircraft	Cleared for (country)	No. of bottles used [1]

[1] The number of bottles shown in this column will represent the difference between the number withdrawn for supplies and the number returned unused as shown by the requisition.

CERTIFICATE OF USE

I hereby certify that the above described taxpaid liquors were withdrawn from stock in customs custody and were laden for use as supplies on aircraft as set forth and that the records of the aircraft show such liquors were used outside the continental limits of the United States as supplies on aircraft operated by this company in international travel.

_____
Airline company

By _____
_____
Capacity

When the form has been completed as to all distilled spirits or wines laden and used as supplies, the certificate of use will be executed by the authorized representatives of the airline. The form

will be presented to the customs officer at the airport who, upon verification with the requisitions previously verified, will certify the form by appropriate notation and execute Part 6 of Form 1582 or 1582–A, noting thereon exceptions, if any, such as shortages, breakage, etc. The customs officer will forward both copies of Form 1582 or 1582–A, with the certificate of use attached to the original, to the collector of customs.

(AA) Section 176.54 is amended as follows:

(1) By inserting in the first sentence, immediately following the phrase "through bill of lading," the following: "where required,".

(2) By striking from the second sentence, which begins, "The collector", the phrase "other two copies (one of them the original)," and inserting in lieu thereof the following: "original,".

(3) By striking from the second sentence the phrase "of the district" and inserting in lieu thereof the following: "of the region".

(4) By inserting, after the last sentence, the following new sentence: "Where the spirits or wines were used as supplies on aircraft, the certificate of use prescribed by § 176.52b will accompany the original of Form 1582 or 1582–A, as the case may be."

(BB) Section 176.55, as amended by Treasury Decision 5084, is revoked.

(CC) Section 176.57, as amended by Treasury Decision 5691, is further amended by changing the headnote and the section to read as follows:

§ 176.57 *Action by Assistant Regional Commissioner.* The Assistant Regional Commissioner will, upon receipt of the claim, Form 1582 or Form 1582–A, accompanied by the certificate of use in the case of supplies for use on aircraft, from the collector of customs, examine the claim and the records of his office pertinent to the spirits or wines covered by the claim. The Assistant Regional Commissioner will determine whether the spirits or wines covered by the claim have been fully taxpaid, whether the claimant has complied in every respect with law and regulations and whether there is on file a good and sufficient drawback bond. He will allow or reject the claim on the basis of his findings. Where a claim has been filed without the filing of drawback bond, as provided in § 176.45, and evidence of landing or collateral evidence in lieu thereof, or proof of loss on land or sea after shipment, or evidence of use as supplies on vessels or aircraft, is not filed within the prescribed time, the claim will be disallowed. If the claim is disallowed, the Assistant Regional Commissioner will so notify the claimant and state the reasons therefor.

(DD) Section 176.58, as amended by Treasury Decision 5599, is further amended by striking the words "or Commissioner" in two places in the first sentence.

(EE) Section 176.59, as amended by Treasury Decision 6087, is further amended as follows:

(1) By inserting immediately after the headnote the following: "(a) *On vessels.*".

(2) By striking from the first sentence the phrase "or aircraft" in three places.

(3) By striking from the first sentence the phrase "or supplies for aircraft".

(4) By adding the following new paragraph:

(b) *On aircraft.* The use of distilled spirits or wines as supplies on aircraft will be evidenced by a certificate of use as provided in § 176.52b.

(FF) Section 176.65 is amended by striking the phrase "or aircraft" in two places.

(GG) Section 176.66 is amended by striking the phrase "or aircraft" in two places.

(HH) Section 176.70, as amended by Treasury Decision 5804, is further amended by striking from the first sentence the word "triplicate" and inserting in lieu thereof the following: "duplicate".

(II) Section 176.71, as amended by Treasury Decision 5804, is further amended by striking from the first sentence the word "triplicate" and inserting in lieu thereof the following: "duplicate".

(JJ) Section 176.76 is amended as follows:

(1) By striking from the first and second sentences the phrase "these regulations" and inserting in lieu thereof the following: "this part".

(2) By striking from the second sentence the phrase "Commissioner of Internal Revenue" and inserting in lieu thereof the following: "Assistant Regional Commissioner".

(KK) Section 176.77 is amended by striking from the first sentence the word "triplicate" and inserting in lieu thereof the following: "duplicate".

(LL) Section 176.81 is amended as follows:

(1) By striking from the second sentence which begins, "The original invoice", the words "and triplicate".

(2) By striking from the second sentence the phrase "Commissioner of Internal Revenue" and inserting in lieu thereof the following: "Assistant Regional Commissioner".

(MM) Section 176.82 is amended by striking from the fourth sentence, which begins, "The original", the phrase "Commissioner of Internal Revenue" and inserting in lieu thereof the following: "Assistant Regional Commissioner".

(NN) Section 176.84 is amended by striking from the second sentence, which begins "The collector of customs", the phrase "Commissioner of Internal Revenue the original and triplicate of Form 1629, 'Claim for Internal Revenue Drawback on Distilled Spirits Exported in Distillers' Original Packages and Entry for Exportation Thereof,' " and inserting in lieu thereof the following: "Assistant Regional Commissioner the original of Form 1629,".

(OO) Section 176.85, as amended by Treasury Decision 5539, is further amended as follows:

(1) By changing the headnote to read as follows: "§ 176.85 *Action by Assistant Regional Commissioner*".

(2) By striking from the first sentence the phrase "Commissioner of Internal Revenue" and inserting in lieu thereof the following: "Assistant Regional Commissioner"

(3) By striking from the second and third sentences the word "Commissioner" and inserting in lieu thereof the following: "Assistant Regional Commissioner".

(4) By striking from the second sentence the phrase "and schedule it for payment".

(5) By striking the fourth sentence, which begins "The duplicate" and inserting in lieu thereof the following new sentence: "After action on the claim is completed, the duplicate of the drawback bond will be forwarded to the Commissioner."

PAR. 3. Regulations 24 (26 CFR Part 180) are amended as follows:

(A) Section 180.93 is amended as follows:

(1) By striking from the first and second sentences the phrase "deputy collector of internal revenue" and inserting in lieu thereof the following: "collection officer".

(2) By striking from the second sentence, which begins, "If the taxpayer", the phrase "forward to the Commissioner a copy" and inserting in lieu thereof the following: "forward to the Assistant Regional Commissioner of the region in which the port of arrival is located a copy".

(B) Section 180.146 is amended by striking from the first sentence the word "Commissioner" and inserting in lieu thereof the following: "Assistant Regional Commissioner".

(C) Section 180.246 is amended by striking from the first sentence the word "Commissioner" and inserting in lieu thereof the following: "Assistant Regional Commissioner".

PAR. 4. Regulations 21 (26 CFR Part 191) are amended as follows:

(A) Section 191.165 is amended by striking from the first sentence the word "Commissioner" and inserting in lieu thereof the following: "Assistant Regional Commissioner".

PAR. 5. Regulations 31 (26 CFR Part 199) are amended as follows:

(A) Section 199.48 is amended as follows:

(1) By striking from the first sentence of the introductory paragraph the word "and".

(2) By striking from the second sentence of the introductory paragraph, which begins, "Such claim", the phrase ", in duplicate," and inserting in lieu thereof the following: "(original only)".

(3) By striking from the fourth sentence of the introductory paragraph, which begins, "The Assistant", the phrase "or the Commissioner".

(B) Section 199.49 is amended as follows:

(1) By striking from the third sentence, which begins, "Upon completion", the phrase "forward one copy of the claim and related papers to the Commissioner with his recommendation as to the merits of the claim." and inserting in lieu thereof the following: "allow or disallow the claim in accordance with existing law and regulations."

(2) By adding immediately following the third sentence the following new sentence: "If the Assistant Regional Commissioner finds that there has been a diversion of alcohol to any illegal use

by the exporter or carrier or other person having legal custody or control thereof, or with connivance, collusion, fraud, or negligence on the part of the exporter or carrier or such other person or the employees of any of them, the tax on the alcohol diverted will be assessed, or liability asserted against the bond covering the shipment, as the case may be, and the remainder, if any, of the alcohol will be subject to seizure and forfeiture."

(3) By striking from the fourth sentence, which begins, "In the event", the phrase "the Assistant Regional Commissioner will report the tax for assessment in accordance with the prescribed procedure." and inserting in lieu thereof the following: "the tax will be assessed in accordance with prescribed procedure.".

(C) Section 199.50 is revoked.

(D) Section 199.62 is amended as follows:

(1) By striking from the second sentence, which begins, "The investigation", the phrase "action by the Commissioner,".

(2) By striking from the second sentence the figures "199.51," and inserting in lieu thereof the following: "199.49 and 199.51,".

(E) Section 199.72 is amended as follows:

(1) By striking from the second sentence which begins, "The investigation", the phrase "action by the Commissioner,".

(2) By striking from the second sentence the figures "199.51," and inserting in lieu thereof the following: "199.49 and 199.51,".

(F) Section 199.114 is amended by striking from paragraph (a) the word "Commissioner" and inserting in lieu thereof the following: "Assistant Regional Commissioner".

(G) Section 199.117 is amended by striking from the second sentence, which begins, "Such claims", the phrase ", in duplicate," and inserting in lieu thereof the following: "(original only)".

(H) Section 199.118 is amended as follows:

(1) By striking from the third sentence which begins, "Upon completion", the phrase "forward one copy of the claim and related papers to the Commissioner with his recommendation as to the merits of the claim." and inserting in lieu thereof the following: "allow or disallow the claim in accordance with existing law and regulations."

(2) By adding immediately following the third sentence the following new sentence: "If the Assistant Regional Commissioner finds that a loss of distilled spirits from a container resulted (a) from unauthorized voluntary destruction, or (b) from theft and the proprietor or other person responsible for the tax fails to establish that the theft did not occur as a result of connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them, the tax will be assessed."

(3) By striking from the fourth sentence, which begins, "In the event", the phrase "the Assistant District Commissioner will report the tax for assessment in accordance with the prescribed procedure." and inserting in lieu thereof the following: "the tax will be assessed in accordance with prescribed procedure.".

(I) Section 199.119 is revoked.

(J) Section 199.203 is amended as follows:

(1) By striking from the first sentence the word "quadruplicate" and inserting in lieu thereof the following: "triplicate".

(2) By striking from the first sentence the word "district" and inserting in lieu thereof the following: "region".

(3) By striking from the fifth sentence, which begins, "Where Form 1582", the word "triplicate" and inserting in lieu thereof the following: "duplicate".

(K) Section 199.205 is amended by striking from the fourth sentence, which begins, "After the spirits," the phrase "two copies" and inserting in lieu thereof of the following: "one copy".

(L) Section 199.206 is amended by striking from the fifth sentence, which begins "The Collector of Customs", the phrase "and one copy".

(M) Section 199.207 is amended as follows:

(1) By striking from the first sentence the phrase "and the Commissioner of Internal Revenue".

(2) By striking from the second sentence, which begins, "If the claim", the word "Commissioner" and inserting in lieu thereof the following: "Assistant Regional Commissioner".

(N) Section 199.209 is amended as follows:

(1) By striking from the first sentence the word "triplicate" and inserting in lieu thereof the following: "duplicate".

(2) By striking from the seventh sentence, which begins, "Where Form 1629", the word "triplicate" and inserting in lieu thereof the following: "duplicate".

(3) By striking from the seventh sentence the phrase "Commissioner of Internal Revenue" and inserting in lieu thereof the following: "Assistant Regional Commissioner".

(O) Section 199.211 is amended as follows:

(1) By striking from the first sentence the phrase "Commissioner of Internal Revenue" and inserting in lieu thereof the following: "Assistant Regional Commissioner".

(2) By striking from the second sentence, which begins, "If the claim", the word "Commissioner" and inserting in lieu thereof the following: "Assistant Regional Commissioner".

Because the amendments made by this Treasury decision are of a liberalizing and administrative character, it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4 (c) of said act.

This Treasury decision shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 3, 48 Stat. 999, as amended, 53 Stat. 375, 467; 19 U. S. C. 81c, 26 U. S. C. 3176, 3791)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

RALPH KELLY,
Commissioner of Customs.

Approved: June 30, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-6199; Filed, Aug. 10, 1954; 8:51 a. m.]

[T. D. 6084; Regs. 3, 7, 10, 18]

PART 178—PRODUCTION, FORTIFICATION, TAX-PAYMENT, ETC. OF WINE

PART 182—INDUSTRIAL ALCOHOL

PART 185—WAREHOUSING OF DISTILLED SPIRITS

PART 192—FERMENTED MALT LIQUOR

PROVISIONS FOR WITHDRAWAL OF LIQUORS FOR USE ON CERTAIN VESSELS AND AIRCRAFT

Subsections (a) and (b) of section 309 of the Tariff Act of 1930 were amended by Public Law 243, 83d Congress, to read as follows:

SEC. 309 *Supplies for certain vessels and aircraft—(a) Exemption from duties and taxes.* Articles of foreign or domestic origin may be withdrawn, under such regulations as the Secretary of the Treasury may prescribe, from any customs bonded warehouse, from continuous customs custody elsewhere than in a bonded warehouse, or from a foreign-trade zone free of duty and internal-revenue tax, or from any internal-revenue bonded warehouse, from any brewery, or from any winery premises or bonded premises for the storage of wine, free of internal-revenue tax—

(1) For supplies (not including equipment) of (A) vessels or aircraft operated by the United States, (B) vessels of the United States employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions, or (C) aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions; or

(2) For supplies (including equipment) or repair of (A) vessels of war of any foreign nation, or (B) foreign vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign vessels is permitted; or

(3) For supplies (including equipment), ground equipment, maintenance, or repair of aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where trade by foreign aircraft is permitted. With respect to articles for ground equipment, the exemption hereunder shall apply only to duties and to taxes imposed upon or by reason of importation.

(b) *Drawback.* Articles withdrawn from bonded warehouses, bonded manufacturing warehouses, continuous customs custody elsewhere than in a bonded warehouse, or from a foreign-trade zone, and articles of domestic manufacture or production, laden as supplies upon any such vessel or aircraft

of the United States or laden as supplies (including equipment) upon, or used in the maintenance of repair of, any such foreign vessel or aircraft, shall be considered to be exported within the meaning of the drawback provisions of this Act.

* * * * *

To conform to the foregoing provisions of law and (a) to clarify the provisions for crediting the accounts kept with bonds when liquors are used on vessels and aircraft, and (b) to modify the provisions of regulations waiving the affidavit of use (of the master or other officer) of distilled spirits and wines on vessels and aircraft, by increasing the amount of taxable liability governing such waiver, for any one shipment, from $25 to $100, Regulations 3 (26 CFR Part 182), Regulations 7 (26 CFR Part 178), Regulations 10 (26 CFR Part 185) and Regulations 16 (26 CFR Part 192) are amended as follows:

PARAGRAPH 1. Whenever the term "district supervisor" appears in the sections of the regulations revised by this Treasury decision, such term is hereby amended to read "Assistant Regional Commissioner". "Assistant Regional Commissioner" means the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of, the Regional Commissioner.

PAR. 2. Regulations 3 (26 CFR Part 182) are amended as follows:

(A) Section 182.630a is amended to read as follows:

§ 182.630a *General.* Alcohol may be withdrawn under proper permit and bond in approved containers from industrial alcohol bonded warehouses free of tax for use as supplies on vessels and aircraft as follows:

(a) Vessels or aircraft operated by the United States;

(b) Vessels of the United States employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions;

(c) Aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions;

(d) Vessels of war of any foreign nation;

(e) Foreign vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign vessels is permitted; or

(f) Aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where trade by foreign aircraft is permitted, and where the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found such foreign country allows, or will allow, substantial reciprocal privileges in respect to aircraft registered in the United States.

(46 Stat. 690 as amended, 53 Stat. 360; 19 U. S. C. 1309, 26 U. S. C. 3114)

(B) Section 182.630b is amended to read as follows:

§ 182.630b *Reciprocating foreign countries.* The Commissioner will advise Assistant Regional Commissioners concerning those foreign countries which will allow, to aircraft registered in the United States and engaged in foreign trade, privileges substantially reciprocal to the privileges allowed herein to aircraft of a foreign country. Assistant Regional Commissioners may approve applications to withdraw alcohol for use on aircraft of such countries. Where application is made to withdraw alcohol free of tax for use on aircraft of other foreign countries, which it is claimed reciprocate similar privileges to aircraft of the United States, the applicant must first establish the right of such withdrawal. In appropriate cases, the applicant should request the Secretary of Commerce to find and advise the Secretary of the Treasury that such foreign country or countries allow, or will allow, substantially reciprocal privileges to aircraft of the United States.

(46 Stat. 690 as amended; 19 U. S. C. 1309)

(C) Section 182.630 l is amended to read as follows:

§ 182.630 l *Evidence of use on vessels and aircraft.* The principal on the bond shall also submit to the Assistant Regional Commissioner, within six months (or such additional time as may be granted by the Assistant Regional Commissioner) an affidavit of the master or other officer of the vessel or aircraft on which the alcohol was laden, having knowledge of the facts, showing that the alcohol has been used on board the vessel or aircraft, and that no portion thereof has been unladen in the United States or any of its possessions: *Provided*, That such affidavit will not be required, in the case of any shipment, when the alcohol is laden on vessels of war, or where the amount of tax on the alcohol does not exceed $100.

(46 Stat. 690 as amended; 19 U. S. C. 1309)

(D) Section 182.630m is amended to read as follows:

§ 182.630m *Account with continuing bonds, Form 1660.* The Assistant Regional Commissioner will keep an account with each continuing bond, Form 1660, similar to that kept for alcohol exported free of tax (see § 182.611). Upon receipt of satisfactory evidence of use (if required) of the alcohol on board the vessel or aircraft, the bond will be credited with the quantity so reported. In the case of alcohol laden on vessels of war, or in the case where the amount of tax on the alcohol does not exceed $100, credit will be given at the time of receipt of the certificate of receipt required by § 182.630k.

(46 Stat. 690 as amended, 53 Stat. 336, 337; 19 U. S. C. 1309, 26 U. S. C. 2885, 2886)

PAR. 3. Regulations 7 (26 CFR Part 178) are amended as follows:

(A) Section 178.296 is amended to read as follows:

§ 178.296 *Withdrawal free of tax.* Wine may be withdrawn in accordance with the provisions of this section and §§ 178.298 through 178.310 from bonded wineries and bonded storerooms free of tax for use as supplies on vessels and aircraft as follows:

(a) Vessels or aircraft operated by the United States;

(b) Vessels of the United States employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions;

(c) Aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions;

(d) Vessels of war of any foreign nation;

(e) Foreign vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign vessels is permitted; or

(f) Aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where trade by foreign aircraft is permitted, and where the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found such foreign country allows, or will allow, substantial reciprocal privileges in respect to aircraft registered in the United States.

(46 Stat. 690 as amended; 19 U. S. C. 1309)

(B) Section 178.297 is revoked.

(C) Section 178.298 is amended to read as follows:

§ 178.298 *Reciprocating foreign countries.* The Commissioner will advise Assistant Regional Commissioners concerning those foreign countries which will allow, to aircraft registered in the United States and engaged in foreign trade, privileges substantially reciprocal to the privileges allowed herein to aircraft of a foreign country. Assistant Regional Commissioners may approve applications to withdraw wine for use on aircraft of such countries. Where application is made to withdraw wine free of tax for use on aircraft of other foreign countries, which it is claimed reciprocate similar privileges to aircraft of the United States, the applicant must first establish the right of such withdrawal. In appropriate cases, the applicant should request the Secretary of Commerce to find and advise the Secretary of the Treasury that such foreign country or countries allow, or will allow, substantially reciprocal privileges to aircraft of the United States.

(46 Stat. 690 as amended; 19 U. S. C. 1309)

(D) Section 178.309 is amended to read as follows:

§ 178.309 *Evidence of use on vessels and aircraft.* The principal on the bond shall also submit to the Assistant Regional Commissioner, within six months (or such additional time as may be granted by the Assistant Regional Commissioner) an affidavit of the master or

other officer of the vessel or aircraft on which the wine was laden, having knowledge of the facts, showing that the wine has been used on board the vessel or aircraft, and that no portion thereof has been unladen in the United States or any of its possessions: *Provided*, That such affidavit will not be required, in the case of any shipment, when the wine is laden on vessels of war, or where the amount of tax on the wine does not exceed $100.

(46 Stat. 690 as amended; 19 U. S. C. 1309)

(E) Section 178.310 is amended to read as follows:

§ 178.310 *Crediting accounts.* After receiving the copy of the entry, bearing the certificate of lading of the Collector of Customs, required by § 178.307, and the certificate of receipt required by § 178.308, and of satisfactory evidence of use (if required) of the wine on board the vessel or aircraft, as provided by § 178.309, the Assistant Regional Commissioner will make proper credit entries in his wine accounts, Form 733, 733–A, or 733 modified (vermouth or other aperitif wine), as the case may be, and credit the account kept with the bond, Form 186, in accordance with § 178.303. In the case of wine laden on vessels of war, or in the case where the amount of tax on the wine does not exceed $100, credit will be given at the time of receipt of the certificate of receipt required by § 178.308.

PAR. 4. Regulations 10 (26 CFR Part 185) are amended as follows:

(A) Section 185.815 is amended to read:

§ 185.815 *General.* Distilled spirits in packages and in cases which have been bottled in bond for exportation may be withdrawn from internal revenue bonded warehouses free of tax for use as supplies on vessels and aircraft as follows:

(a) Vessels or aircraft operated by the United States;

(b) Vessels of the United States employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions;

(c) Aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions;

(d) Vessels of war of any foreign nation;

(e) Foreign vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign vessels is permitted; or

(f) Aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where trade by foreign aircraft is permitted, and where the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found such foreign country allows, or will allow, substantial reciprocal privileges in respect to aircraft registered in the United States.

(46 Stat. 690 as amended; 19 U. S. C. 1309)

(B) There is inserted immediately following § 185.815 the following new section:

§ 185.815a *Reciprocating foreign countries.* The Commissioner will advise Assistant Regional Commissioners concerning those foreign countries which will allow, to aircraft registered in the United States and engaged in foreign trade, privileges substantially reciprocal to the privileges allowed herein to aircraft of a foreign country. Assistant Regional Commissioners may approve applications to withdraw distilled spirits for use on aircraft of such countries. Where application is made to withdraw distilled spirits free of tax for use on aircraft of other foreign countries, which it is claimed reciprocate similar privileges to aircraft of the United States, the applicant must first establish the right of such withdrawal. In appropriate cases, the applicant should request the Secretary of Commerce to find and advise the Secretary of the Treasury that such foreign country or countries allow, or will allow, substantially reciprocal privileges to aircraft of the United States.

(46 Stat. 690 as amended; 19 U. S. C. 1309)

(C) Section 185.819 is amended by:

(1) Striking the words "or the Commissioner" within the parenthesis in the first sentence.

(2) Striking the proviso at the end of the first sentence and all of the second sentence and inserting in lieu thereof, "*Provided*, That such affidavit will not be required, in the case of any shipment, when the distilled spirits are laden on vessels of war, or where the amount of tax on the distilled spirits does not exceed $100."

(3) Changing the citation to read, "(46 Stat. 690 as amended; 19 U. S. C. 1309)".

(D) Section 185.820 is amended by:

(1) Striking the last sentence and inserting in lieu thereof the following: "Upon receipt of satisfactory evidence of use (if required) of the spirits, the bond will be credited with the quantity so reported. In the case of spirits laden on vessels of war, or in the case where the amount of tax on the spirits does not exceed $100, credit will be given at the time of receipt of evidence of lading from the Collector of Customs as provided in § 185.784."

(2) Changing the citation to read, "(46 Stat. 690 as amended; 19 U. S. C. 1309)".

PAR. 5. Regulations 18 (26 CFR Part 192) are amended as follows:

(A) Section 192.390 is amended to read as follows:

§ 192.390 *General.* Fermented malt liquor may be removed from breweries and brewery bottling houses free of tax for use as supplies on vessels and aircraft as follows:

(a) Vessels or aircraft operated by the United States;

(b) Vessels of the United States employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions;

(c) Aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions;

(d) Vessels of war of any foreign nation;

(e) Foreign vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign vessels is permitted; or

(f) Aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where trade by foreign aircraft is permitted, and where the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found such foreign country allows, or will allow, substantial reciprocal privileges in respect to aircraft registered in the United States.

(46 Stat. 690 as amended; 53 Stat. 367 as amended; 19 U. S. C. 1309, 26 U. S. C. 3153)

(B) There is inserted immediately following § 192.390 the following new section:

§ 192.390a *Reciprocating foreign countries.* The Commissioner will advise Assistant Regional Commissioners concerning those foreign countries which will allow, to aircraft registered in the United States and engaged in foreign trade, privileges substantially reciprocal to the privileges allowed herein to aircraft of a foreign country. Assistant Regional Commissioners may approve applications to withdraw fermented malt liquor for use on aircraft of such countries. Where application is made to withdraw fermented malt liquor free of tax for use on aircraft of other foreign countries, which it is claimed reciprocate similar privileges to aircraft of the United States, the applicant must first establish the right of such withdrawal. In appropriate cases, the applicant should request the Secretary of Commerce to find and advise the Secretary of the Treasury that such foreign country or countries allow, or will allow, substantially reciprocal privileges to aircraft of the United States.

(46 Stat. 690 as amended; 19 U. S. C. 1309)

(C) Section 192.394 is amended by:

(1) Striking the words "or the Commissioner" within the parentheses in the first sentence.

(2) Striking the proviso at the end of the first sentence and inserting in lieu thereof, "*Provided*, That such affidavit will not be required, in the case of any shipment, when the fermented liquor has been laden on vessels of war, or where the amount of tax on the fermented liquor does not exceed $100."

(3) Striking the last sentence and inserting in lieu thereof the following new sentences: "Upon receipt of satisfactory evidence of use (if required) of the fermented liquor on board the vessel or aircraft, the bond will be credited with the quantity so reported. In the case of fermented liquor laden on vessels of war, or in the case where the amount of tax on the fermented liquor does not

exceed $100, credit will be given at the time of receipt of the certificate of inspection and lading from the Collector of Customs, as provided in § 192.364."

It is found that compliance with the notice, public procedure thereon and effective date requirements of the Administrative Procedure Act, approved June 11, 1946, is unnecessary for the issuance of these amendments, for the reason that such amendments merely conform the regulations to the provisions of subsections (a) and (b) of section 309 of the Tariff Act of 1930, as amended by Public Law 243 (83d Congress), or are of an administrative or liberalizing character.

This Treasury decision shall be effective upon the date of publication in the FEDERAL REGISTER.

(53 Stat. 358, 364, 375, 467; 26 U. S. C. 3105, 3124, 3176, 3791)

[SEAL] T. COLEMAN ANDREWS,
Commissioner.

Approved: August 5, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-6200; Filed, Aug. 10, 1954; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 729]

PEANUTS

NOTICE OF PROPOSED PROCLAMATION WITH RESPECT TO 1955 NATIONAL MARKETING QUOTA AND APPORTIONMENT OF NATIONAL ACREAGE ALLOTMENT AND DEVELOPMENT OF REGULATIONS FOR ESTABLISHING FARM ALLOTMENTS

Pursuant to Title III of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1393 and Sups.), the Secretary of Agriculture is required by section 358 (a) thereof to proclaim, between July 1 and December 1 of each calendar year, the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year. The amount of such quota is the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions.

Section 358 (a) of the act further provides that the national marketing quota for peanuts shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year in which the quota is proclaimed, with such adjustment as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields.

Section 358 (a) of the act further provides that the national marketing quota established for any year subsequent to 1941 shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than that established for the crop produced in the calendar year 1941, which was 1,610,000 acres.

Section 358 (c) (1) of the act provides that for any year subsequent to 1951, the national acreage allotment for that year, less the acreage to be allotted to new farms under section 358 (f) of the act, shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made. Pursuant to this provision of the act, the national acreage allotment for the 1955 crop of peanuts will be apportioned to States on the basis of their shares of the 1954 national acreage allotment.

In addition to the foregoing determinations to be made with respect to the 1955 crop of peanuts, the Secretary has under consideration the formulation of regulations which will provide the procedures for apportioning the 1955 State peanut acreage allotment to farms, or to counties and farms; for establishing allotments for farms on which peanuts were not produced in 1952, 1953, and 1954, but on which peanuts are to be produced in 1955; and for determining farm normal yields per acre for peanuts. It is expected that the regulations for the 1955 crop of peanuts will be substantially the same as the regulations for the 1954 crop (18 F. R. 6372).

Prior to proclaiming the national marketing quota, establishing the national acreage allotment, apportioning the national acreage allotment among the States, formulating regulations governing the apportionment of State acreage allotments to farms or to counties and farms, determining the percentage of the national acreage allotment to be reserved for new farms and formulating regulations governing the apportionment of such acreage among new farms, and determining farm normal yields for peanuts, consideration will be give to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Oils and Peanut Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. Any data, views, and recommendations relating to the question of whether the State acreage allotment should be apportioned to the counties in the State as provided in section 358 (e) of the act, should be submitted in writing direct to the State Agricultural Stabilization & Conservation Committee, whose address may be obtained from any County Agricultural Stabilization & Conservation Office in the State. All written submissions must be postmarked not later than 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 6th day of August 1954.

[SEAL] PRESTON RICHARDS,
Acting Administrator.

[F. R. Doc. 54-6206; Filed, Aug. 10, 1954; 8:52 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 516]

RECORDS TO BE KEPT BY EMPLOYEES

RECORD OF RETROACTIVE PAYMENT OF WAGES

Section 16 (c) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), authorizes the Administrator to supervise the payment of unpaid minimum wages or unpaid overtime compensation owing to any employee or employees under section 6 or section 7 of the act. An employee who agrees to accept such payment and is paid in full waives his independent statutory rights with respect to such back pay. Experience in administering the act indicates that it is necessary that the Administrator have a record of such payments available to him.

Accordingly, notice is given that the Administrator, pursuant to authority vested in him by section 11 (c) of the Fair Labor Standards Act of 1938, as amended, proposes to amend the regulations contained in this part as follows:

1. Amend § 516.2 by adding a new paragraph (b), to read as follows:

(b) *Record of retroactive payment of wages.* Every employer who under the supervision of the Administrator of the Wage and Hour Division makes retroactive payment of unpaid minimum wages or unpaid overtime compensation, or both, due and owing any employee by virtue of section 6 or section 7 of the act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

2. Amend § 516.21 (on industrial homeworkers) by adding a new subparagraph (7) under paragraph (b), to read as follows:

(7) *Record of retroactive payment of wages.* Every employer who under the

supervision of the Administrator of the Wage and Hour Division makes retroactive payment of unpaid minimum wages or unpaid overtime compensation, or both, due and owing any employee by virtue of section 6 or section 7 of the act, shall:

(i) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(ii) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (*a*) preserve a copy as part of his records, (*b*) deliver a copy to the employee, and (*c*) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

Interested persons may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, submit in writing to the Administrator, Wage and Hour and Public Contracts Divisions, U. S. Department of Labor, Washington 25, D. C., their views and arguments relative to the proposed amendments.

Signed at Washington, D. C., this 4th day of August 1954.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator,
Wage and Hour Division.

[F. R. Doc. 54-6171; Filed, Aug. 10, 1954; 8:45 a. m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 211]

[Reg. K]

BANKING CORPORATIONS AUTHORIZED TO DO FOREIGN BANKING BUSINESS UNDER SECTION 25 (a), FEDERAL RESERVE ACT

ISSUE OF DEBENTURES, BONDS, AND PROMISSORY NOTES; GENERAL LIMITATIONS AND RESTRICTIONS

Part 211 (Regulation K), issued by the Board of Governors of the Federal Reserve System pursuant to authority cited at 12 CFR Part 211, relates to banking corporations authorized to do foreign banking business under section 25 (a) of the Federal Reserve Act. The regulation contains provisions relating, among other things, to the issuance of debentures, bonds and notes by such a corporation and to limitations on the total liabilities of one borrower from such a corporation.

The Board is considering the sufficiency of the provisions of the regulation concerning these matters, including the desirability of modifying the provisions along the lines indicated below:

1. By adding the following new paragraph (c) after (b) of § 211.11, and relettering the present paragraph (c) to (d):

(c) Notwithstanding paragraphs (a) and (b) of this section, a corporation may, at its option, comply with the following requirements in lieu of those stated in said paragraphs (a) and (b) of this section:

(1) The corporation shall not engage, either within the United States or abroad, in the business of receiving deposits.

(2) Loans or other credits acquired or guaranteed by the corporation shall have a maturity of not more than 5 years at the time they are so acquired or guaranteed: *Provided, however,* That this limitation shall not apply (i) to a loan or other credit, or any scheduled installment of a loan or credit, maturing within 10 years, but the aggregate amount of loans or credits or installments of loans or credits excepted under this subdivision shall not exceed 100 percent of the corporation's capital and surplus; or (ii) to other loans or credits, or scheduled installments of loans or credits, maturing within 10 years which are secured or covered by unconditional guaranties, commitments or agreements to take over or purchase made by the United States or by any department or establishment of, or corporation wholly owned by, the United States.

(3) The corporation shall carry on its business in accordance with sound financial policies including, among other considerations a proper regard to the relationship between its assets and the maturities of its obligations, so as to give reasonable assurance that the corporation will be in a position to pay its obligations as they mature.

(4) All obligations of any kind, regardless of maturity or payee, issued by the corporation shall contain a provision, or shall be issued under an agreement, which shall provide that the corporation will not, during the time any such obligations remain outstanding:

(i) Issue any obligations if immediately thereafter the assets of the corporation, excluding notes, drafts, bills of exchange and other evidences of indebtedness that are in default as to either principal or interest, would be less than 110% of the aggregate principal amount of all obligations of the corporation;

(ii) Mortgage, pledge or otherwise subject any of its assets to any lien or charge to secure any indebtedness for borrowed money or to secure any other obligation of the corporation, except with the consent of all persons holding any of the corporation's obligations which would not have security substantially equivalent in value to that provided by such mortgage, pledge, lien or charge;

(iii) Sell, lease, assign or otherwise dispose of all or substantially all its assets; or

(iv) Declare or pay any dividend (other than a dividend payable in stock of the corporation) or authorize or make any other distribution on any stock of the corporation otherwise than out of the earned surplus of the corporation as determined in accordance with generally accepted accounting principles.

2. By adding the following sentence at the end of paragraph (a) of § 211.15: "In the case of a corporation which does not engage, either within the United States or abroad, in the business of receiving deposits, the limitations contained in this section regarding the total liabilities of one borrower (1) shall be increased from 10 percent to 20 percent, and (2) shall not apply to the extent that the liabilities are secured or covered by unconditional guaranties, commitments or agreements to take over or to purchase, made by the United States or by any department or establishment of, or corporation wholly owned by, the United States.

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 2 of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2). The proposed changes are authorized under the authority cited at 12 CFR Part 211.

To aid in the consideration of this matter the Board will be glad to receive from interested persons any relevant data, views or arguments. Although such material may be sent directly to the Board, it is preferable that it be sent to the Federal Reserve Bank of the district which will forward it to the Board to be considered. All such material should be submitted in writing to be received not later than September 6, 1954.

Approved this 6th day of August 1954.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 54-6195; Filed, Aug. 10, 1954; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 3, 1954.

An application, serial number New Mexico 015227, for the withdrawal from all forms of appropriation under the public land laws, including the U. S. Mining Laws and the Mineral Leasing Act, except as hereinafter specified, of the lands described below was filed on June 28, 1954, by the United States Department of Agriculture.

The purposes of the proposed withdrawal: Summer home, Camp and Recreation Areas.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, New Mexico, Bureau of Land Management, Department of the Interior at P. O. Box 1251, Santa Fe, New Mexico. In case any objection is filed and the

nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Southwestern Congregational Churches Organization Camp and Recreation Area

T. 15 S., R. 12 W.,
Sec. 36, NE¼.

Total area: 160 acres.

Mimbres Summer Home and Recreation Area

T. 15 S., R. 11 W.,
Sec. 31, E½NW¼NE¼, E½NE¼;
Sec. 32, W½W½NW¼, W½E½W½NW¼.

Total area: 160 acres.

Bursum Picnic Ground and Recreation Area

T. 11 S., R. 18 W.,
Sec. 2, lots 19, 21, 22.

Total area: 120 acres.

Cherry Creek Recreation Area

T. 16 S., R. 13 W.,
Sec. 8, SE¼SE¼SW¼, SW¼SW¼SE¼;
Sec. 17, W½NW¼NW¼SW¼, NE¼NW¼NW¼SW¼, SW¼SW¼NW¼, W½SE¼SW¼NW¼, E½NW¼SW¼NW¼, NE¼SW¼NW¼, NW¼NW¼SE¼NW¼, S½SE¼NW¼NW¼, SW¼NE¼NW¼, NW¼SE¼NE¼NW¼, E½NW¼NE¼NW¼, N½NE¼NE¼NW¼, SW¼NE¼NE¼NW¼;
Sec. 18, NE¼NE¼SE¼, SW¼NE¼SE¼, W½SE¼NE¼SE¼, NE¼SE¼NE¼SE¼, E½SE¼NW¼SE¼, NE¼SW¼SE¼, E½NW¼SW¼SE¼, W½SE¼SW¼SE¼, SW¼SW¼SE¼.

Total area: 152.50 acres.

Kingston Recreation Area

T. 16 S., R. 8 W.,
Sec. 18, S½ of lot 12, excepting 4 acres, more or less, included in patented mining claims covered by M. S. 463–B.

Total area; 16 acres, more or less.

Rocky Canyon Recreation Area

T. 14 S., R. 11 W.,
Sec. 7, E½NE¼;
Sec. 8, W½NW¼.

Total area: 160 acres.

The above described lands, except those in the Mimbres Summer Home and Recreation Area, shall be subject to leasing under the mineral leasing laws for their oil and gas deposits, providing that no part of the surface of the lands shall be used in connection with prospecting, mining and removal of the oil and gas.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 54–6170; Filed, Aug. 10, 1954; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 85]

PAUL WORMSER AND CO., AND PAUL WORMSER

ORDER RESCINDING DENIAL ORDER AND RESTORING EXPORT PRIVILEGES

In the matter of Paul Wormser and Company, Paul Wormser, Talstrasse 82-Sihlporte, Zurich, Switzerland, respondents; Case No. 85.

The Office of International Trade, predecessor of the Bureau of Foreign Commerce, issued an order against Paul Wormser, and Paul Wormser & Co., on May 19, 1950 (15 F. R. 3194, published May 25, 1950) denying to them all Positive List export privileges for the duration of export control because they had been found to have made material misrepresentations in connection with an application for a validated export license to export a quantity of dioctyl phthalate to Switzerland, and because they had thereafter diverted and transshipped the dioctyl phthalate to Czechoslovakia without authorization and in contravention of their representations and of the terms and conditions of the export license which named Switzerland as the country of ultimate destination. The order applied also to all persons and firms with whom said respondents were related in the conduct of export trade.

By petition submitted to the Bureau of Foreign Commerce, bearing date of February 26, 1953, said respondents asked for amelioration of said denial order and restoration of the privileges denied thereby. After careful consideration of the petition, and of the grounds for the relief requested therein by respondents, the Bureau of Foreign Commerce denied the petition on June 9, 1953 without prejudice, and with leave to renew the petition in a year. Thereafter, on February 26, 1954, said respondents submitted another petition renewing their request to be restored to good standing in export trade.

After reviewing the record in the case, and the mitigating circumstances claimed by respondents to have been responsible for their violations, and having established that said respondents have faithfully adhered to and complied with the terms of the denial order during its four years existence, and that they may now be considered to have demonstrated their reliability and truthworthiness with respect to future export control transactions and of conformance with the concepts of the U. S. export control program, and having determined that continued denial of their export privileges is no longer necessary to achieve effective enforcement of the export law and regulations, the Director has concluded that the petitioners are entitled to relief and has decided to rescind the denial order and to restore to said respondents the export privileges denied thereby.

Now, therefore, it is ordered as follows:

Effective as of the date hereon, the order of May 19, 1950 (15 F. R. 3194) issued against Paul Wormser & Co., and Paul Wormser, Zurich, Switzerland, is rescinded and the export privileges denied to said Paul Wormser & Co., and Paul Wormser by the terms of the order are hereby restored.

Dated: August 5, 1954.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 54–6189; Filed, Aug. 10, 1954; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended July 5, 1954, 19 F. R. 3326).

Fortex Manufacturing Co., Inc., Fort Deposit, Ala., effective 7–27–54 to 7–26–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' shirts and pajamas).

Glen Lyon Brassiere & Corset Co., 44 Carey Avenue, Wilkes-Barre, Pa., effective 8–14–54 to 8–13–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (corsets and allied garments).

Hampton Underwear Co., Inc., Oak Street, Greenwood, S. C., effective 7–30–54 to 7–29–55; 10 learners for normal labor turnover purposes, in the manufacture of sport shirts only (sport shirts).

Hunter Bros. Co., Inc., P. O. Box 1267, Statesville, N. C., effective 8–2–54 to 8–1–55; 5 learners for normal labor turnover purposes, in the production of shirts only (cotton shirts).

Lincoln Brassiere Co., Inc., Lincoln County, Hamlin, W. Va., effective 7–29–54 to 1–28–55; 30 learners for plant expansion purposes (brassieres).

Miller Bros., 1619 Preston Avenue, Houston, Tex., effective 7–29–54 to 7–28–55; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton work clothing; denim overalls, jeans, and jackets).

Mylcraft Manufacturing Co., South Main Street, Rich Square, N. C., effective 7-29-54 to 1-28-55; 10 learners for plant expansion purposes (ladies' pajamas).

Phillips-Lester Manufacturing Co., Inc., 2300 First Avenue, North, Birmingham, Ala., effective 7-29-54 to 7-28-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's overalls, jackets, dungarees, and work pants).

Roydon Wear, Inc., McRea, Ga., effective 8-8-54 to 8-7-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (trousers).

Shawnee Garment Manufacturing Co., 115½ North Bell Street, Shawnee, Okla., effective 8-19-54 to 8-18-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (khaki and chambray shirts; denim overalls and coats).

Wadley Manufacturing Co., Wadley, Ga., effective 7-29-54 to 7-28-55; 10 learners for normal labor turnover purposes (dress shirts).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.46, as amended May 3, 1954, 19 F. R. 1761).

Melrose Hosiery Mills, Inc., High Point, N. C., effective 8-18-54 to 8-17-55; 5 percent of the total number of factory production workers, for normal labor turnover purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Hampton Underwear Co., Inc., Oak Street, Greenwood, S. C., effective 7-30-54 to 7-29-55; 5 learners for normal labor turnover purposes, in the manufacture of men's shorts only (men's shorts).

Hunter Bros. Co., Inc., P. O. Box 1267, Statesville, N. C., effective 8-2-54 to 8-1-55; 5 learners for normal labor turnover purposes in the production of shorts and unionsuits only (shorts and unionsuits).

Norwich Mills, Inc., Clayton, N. C., effective 7-19-54 to 1-18-55; 15 learners for plant expansion purposes (knitted underwear and outerwear).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Borenquin Radio Components Corp., Coamo, P. R., effective 7-21-54 to 1-20-55; 10 learners. Occupation: machinist; 320 hours at 40 cents an hour, 320 hours at 45 cents an hour, and 320 hours at 50 cents an hour (metal or plastic parts for radios).

Master Products Corp., 386 Carpenter Road, Hato Rey, P. R., effective 7-20-54 to 1-19-55; 1 learner. Occupation: laboratory work on offset lithographic blankets; 320 hours at 40 cents an hour, 320 hours at 45 cents an hour, and 320 hours at 50 cents an hour (offset lithographic blankets).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 3d day of August 1954.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F. R. Doc. 54-6172; Filed, Aug. 10, 1954; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10133; FCC 54M-957]

COMMUNITY BROADCASTING SERVICE, INC. (WWBZ)

ORDER CHANGING PLACE OF HEARING

In re application of Community Broadcasting Service, Inc. (WWBZ), Vineland, New Jersey, Docket No. 10133, File No. BR-1435; for renewal of license.

It appearing, that good cause is shown in support of applicant's petition, filed July 23, 1954, that the place originally specified for hearing in the above-entitled proceeding be changed from Washington, D. C., to Vineland, New Jersey, and that the Commission's Broadcast Bureau joins in the said petition and urges the granting thereof;

It appearing further, that it is the Commission's policy to authorize field hearings in renewal proceedings of this kind;

It is ordered, This 3d day of August 1954, that the petition is granted, and that the hearing in this proceeding will be held in Vineland, New Jersey, commencing at 10:00 a. m., Wednesday, September 29, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-6173; Filed, Aug. 10, 1954; 8:46 a. m.]

[Docket No. 10218; FCC 54M-963]

WILLIAM C. MOSS (KSEY)

ORDER SCHEDULING CONFERENCE

In re application of William C. Moss (KSEY), Seymour, Texas, Docket No. 10218, File No. BML-1473; for modification of license.

For the purposes specified in § 1.813 of the rules of this Commission, a prehearing conference in the above-entitled matter will be held as ordered below.

Under § 1.813 of the rules of the Commission, as revised July 15, 1954, parties may submit suggestions in writing. The purpose of such a conference is to consider, among other things:

(1) The necessity or desirability of simplification, clarification, amplification or limitation of the issues;

(2) The possibility of stipulating with respect to facts;

(3) The procedure at the hearing (designated for August 31, 1954);

(4) The limitation of the number of witnesses; and

(5) The necessity or desirability of prior mutual exchange between or among the parties of prepared testimony and exhibits.

All agreements reached between the parties at such prehearing conference will be subject to such ruling as the Examiner may make upon appropriate objection, and to be effective, must be found to be acceptable and approved by the Hearing Examiner.

Accordingly, it is ordered, This 4th day of August 1954, that a prehearing conference be held in the above-entitled proceeding in the Commission's offices at Washington, D. C., on August 17, 1954, at 10:00 a. m.

Released: August 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-6174; Filed, Aug. 10, 1954; 8:46 a. m.]

[Docket No. 10910; FCC 54M-964]

STILLWATER PUBLISHING CO. (KSPI)

ORDER SCHEDULING CONFERENCE

In re application of Stillwater Publishing Co. (KSPI), Stillwater, Oklahoma, Docket No. 10910, File No. BP-8920; for construction permit.

For the purposes specified in § 1.813 of the rules of this Commission, a prehearing conference in the above-entitled matter will be held as ordered below.

Under § 1.813 of the rules of the Commission, as revised July 15, 1954, parties may submit suggestions in writing. The purpose of such a conference is to consider, among other things:

(1) The necessity or desirability of simplification, clarification, amplification or limitation of the issues;

(2) The possibility of stipulating with respect to facts;

(3) The procedure at the hearing (designated for September 8, 1954);

(4) The limitation of the number of witnesses; and

(5) The necessity or desirability of prior mutual exchange between or among the parties of prepared testimony and exhibits.

All agreements reached between the parties at such prehearing conference will be subject to such ruling as the Examiner may make upon appropriate objection, and to be effective, must be found to be acceptable and approved by the Hearing Examiner.

Accordingly, it is ordered, This 4th day of August 1954, that a prehearing conference be held in the above-entitled proceeding in the Commission's offices at Washington, D. C., on August 18, 1954, at 10:00 a. m.

Released: August 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-6175; Filed, Aug. 10, 1954; 8:46 a. m.]

[Docket Nos. 11045, 11046; FCC 54M-961]

MID-ATLANTIC BROADCASTING CO. (WMID) ET AL.

ORDER CHANGING PLACE OF HEARING

In re application of Mid-Atlantic Broadcasting Co. (WMID), Atlantic City, New Jersey, Docket No. 11045, File No. BR-1724, for renewal of license; Richard Endicott (Transferor), Mid-Atlantic Broadcasting Co. (WMID) (Licensee), Arthur A. Handler & Joseph F. Bradway (Transferees), Atlantic City, New Jersey, Docket No. 11046, File No. BTC-1639; for voluntary transfer of control of licensee corporation.

The Commission having under consideration the petition of its Broadcast Bureau, filed July 23, 1954, that the place originally specified for hearing in this proceeding, viz., Washington, D. C., be changed to Atlantic City, New Jersey, and the joint request of the applicants for deferment of action on the said petition, or, in the alternative, opposition thereto;

It appearing, that due to the complexity of the issues herein, numerous local witnesses will be called to testify, that the expense of their travel would be avoided by a field hearing, and that ready access to records and files situated in Atlantic City will be of assistance in expediting the progress of the case;

It appearing further, that it is the Commission's policy to authorize field hearings in renewal proceedings such as this, where there is the prospect of testimony from numerous local witnesses;

It appearing further, that, in support of the applicants' joint request for deferment of action on the instant petition, or, in the alternative, opposition to same, it is alleged, in substance, that there is presently under preparation by them a petition for reconsideration and grant of the applications involved which will embody information sufficient to enable the Commission to grant the applications without the necessity of a hearing;

It appearing further, that good and sufficient cause has been stated in support of the petition under consideration, that the applicants' joint request, supra, is without merit, since, according to the order of designation herein, they have heretofore supplied the Commission with information concerning the several phases of the case, and that the Commission, in the light of such information, directed hearing in the matter under issues released June 4, 1954;

Accordingly, it is ordered, This 3d day of August 1954, that the petition is granted; that the applicants' joint request for deferment of action on the said petition, or, in the alternative, their opposition to same, is denied; and that the place of hearing in the above-entitled proceeding, as originally specified, is changed from Washington, D. C., to Atlantic City, New Jersey, the said hearing to commence at 10:00 a. m., Monday, August 23, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-6176; Filed, Aug. 10, 1954; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6544]

EKLUTNA PROJECT, ALASKA

NOTICE OF ORDER CONFIRMING AND APPROVING RATE SCHEDULE PROVISIONS

AUGUST 5, 1954.

Notice is hereby given that on August 4, 1954, the Federal Power Commission issued its order adopted July 28, 1954, in the above-entitled matter, confirming and approving rate schedule and general rate schedule provisions for interim period not to exceed three years from the date of issuance hereof.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-6182; Filed, Aug. 10, 1954; 8:47 a. m.]

[Docket No. G-2063]

NORTHERN NATURAL GAS CO.

NOTICE OF ORDER AMEDING ORDERS AND ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 5, 1954.

Notice is hereby given that on August 2, 1954, the Federal Power Commission issued its order adopted July 28, 1954, further amending orders issued March 11, 1954, accompanying Opinion No. 268 (19 F. R. 1524), and April 22, 1954 (19 F. R. 2575) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-6183; Filed, Aug. 10, 1954; 8:47 a. m.]

[Docket No. G-2329]

AMERE GAS UTILITIES CO.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF TARIFF SHEETS AND TERMINATING PROCEEDINGS

AUGUST 5, 1954.

Notice is hereby given that on July 30, 1954, the Federal Power Commission issued its order adopted July 28, 1954, permitting withdrawal of tariff sheets and terminating proceedings in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-6184; Filed, Aug. 10, 1954; 8:47 a. m.]

[Docket No. G-2375]

KENTUCKY WEST VIRGINIA GAS CO.

NOTICE OF ORDER APPROVING PROPOSED SETTLEMENT AND ALLOWING TARIFF REVISIONS TO TAKE EFFECT

AUGUST 5, 1954.

Notice is hereby given that on July 30, 1954, the Federal Power Commission issued its order adopted July 29, 1954, approving proposed settlement and allowing tariff revisions to take effect in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-6185; Filed, Aug. 10, 1954; 8:48 a. m.]

[Docket Nos. G-2416, G-2444]

UNITED GAS PIPE LINE CO. AND EL PASO NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDERS

AUGUST 5, 1954.

In the matters of United Gas Pipe Line Company, Docket No. G-2416; El Paso Natural Gas Company, Docket No. G-2444.

Notice is hereby given that on July 30, 1954, the Federal Power Commission issued its findings and orders adopted July 28, 1954, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-6186; Filed, Aug. 10, 1954; 8:48 a. m.]

[Docket No. G-2497]

LONE STAR GAS CO.

NOTICE OF APPLICATION

AUGUST 5, 1954.

Take notice that Lone Star Gas Company (Applicant), a Texas corporation with its principal place of business in Dallas, Texas, filed on July 22, 1954, an application pursuant to section 7 of the Natural Gas Act (1) for permission and approval to abandon certain facilities and (2) for a certificate of public convenience and necessity authorizing the construction and operation of certain other facilities as follows:

Abandonment and salvage of approximately 76.37 miles of 18" Line A from the outlet of the Shamrock No. 1 compressor station in the East Panhandle Field to the tap line to the City of Quanah, Hardeman County, Texas, together with the Hollis Gasoline Plant and the Shamrock Compressor Station No. 1 located thereon.

Abandonment and salvage of approximately 21.47 miles of 12" Line 74 from the beginning at Line 71 in Collingsworth County, Texas, to Station 629.15 at the Dodson, Texas, tap and from Station 894.92 to the end of said line at the North bank of the Red River in Harmon County, Oklahoma.

Abandonment and salvage of approximately 6.31 miles of 10" Twitty Line extending from the Consolidated Gas Utilities Corporation's Twitty Compressor Station in the East Panhandle Field to Line 71 at the Lone Star Gas Company's Shamrock Compressor Station No. 2.

Construct approximately 10.64 miles of 6" O. D. Line 71-37 from Line 71 to Station 629.15 on Line 74 at the Dodson tap and from Station 894.92 on Line 74 to Line A at the Hollis, Oklahoma, tap.

Abandonment and salvage of one 300 h. p. compressor located in Shamrock Compressor Station No. 2, resulting in a reduction in capacity of that compressor station to 1,240 h. p.

Rearrange pipe at Chillicothe compressor station so that said station will compress gas from Line U system North into Line 71

system instead of South from Line A system into Line U system.

Reverse flow in Line U system so as to supply said pipe line with gas from the Abilene, Texas, area and so that Line 71 will be served with gas from both the Abilene and Shamrock areas.

Connect present tap line to Eldorado, Oklahoma, to Line A and disconnect same from Line 71 so that the town of Eldorado, Oklahoma, will be served with gas transported in Line A West from Wichita Falls instead of gas produced in East Panhandle Field and transported South through Line 71.

The cost of the removals is estimated by Applicant to be $374,346.00 and construction costs are estimated to be $86,920.00 for a total of $461,266.00 to cover the project. Applicant proposes to finance out of funds currently on hand.

The abandonment and construction for which authorization is sought herein will complete Applicant's incorporation of the so-called "Wichita Falls District," acquisition of which was authorized by order of the Commission issued March 28, 1952, in combined Docket Nos. G–1878 and G–1889. The rearrangement of Applicant's operational facilities is in part necessitated by the diminution of its gas reserves in the East Panhandle Field.

Applicant states that the proposed abandonment of the above facilities will not result in the abandonment of service to any city, town or community. However, eighty right-of-way consumers, twenty-four in Texas and fifty-six in Oklahoma, will not be served from Applicant's remaining facilities.

Applicant requests that the intermediate decision procedure be omitted and that its application be disposed of pursuant to the shortened procedure provided for in § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with its rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of August 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–6179; Filed, Aug. 10, 1954; 8:47 a. m.]

[Docket No. G–2499]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

AUGUST 5, 1954.

Take notice that on July 23, 1954, Southern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business in Birmingham, Alabama, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the sale of natural gas to the South Carolina Generating Company.

Applicant proposes to construct and operate approximately 2.2 miles of 8⅝-inch O. D. pipeline extending southward from its main 16-inch South Line near North Augusta, South Carolina, to South Carolina Generating Company's electric generating plant known as Plant Urquhart located on the Savannah River near Beech Island, South Carolina. Applicant proposes to sell to South Carolina Generating Company up to the entire fuel requirements of Plant Urquhart on an interruptible basis. Applicant estimates that it will deliver approximately 11,169,000 Mcf of natural gas annually to Plant Urquhart.

The estimated cost of the facilities to be constructed is $127,000 which will be defrayed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, 441 G Street NW., Washington 25, D. C., in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of August 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–6180; Filed, Aug. 10, 1954; 8:47 a. m.]

[Project No. 2161]

RHINELANDER PAPER CO.

NOTICE OF APPLICATION FOR LICENSE

AUGUST 5, 1954.

Public notice is hereby given that Rhinelander Paper Company, of Rhinelander, Wisconsin, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for license for constructed Project No. 2161 located on the Wisconsin River in Oneida County, Wisconsin, and affecting public lands of the United States. The project consists of an earth dam; a concrete dam at the head of the diversion canal; a canal about 965 feet long; a powerhouse at the foot of the canal containing two 1,100-horsepower turbines each connected to a 600-kilowatt generator, and a 1,700-horsepower turbine connected to a 1,000-kilowatt generator; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10), the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is September 13, 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 54–6181; Filed, Aug. 10, 1954; 8:47 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 31]

ALSIKE CLOVER SEED

CONTINUATION OF INVESTIGATION

On May 21, 1954, the Tariff Commission transmitted to the President its report in Investigation No. 31 under section 7 of the Trade Agreements Extension Act of 1951, as amended, recommending certain adjustments in the customs treatment of imports of alsike clover seed on the basis of its finding that such imports were, as a result in whole or in part of the customs treatment reflecting the concession granted thereon in the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, both actual and relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products. As a result of the investigation, the President issued a proclamation on June 30, 1954, imposing a tariff quota for the year ending June 30, 1955, of 1,500,000 pounds of alsike clover seed dutiable at 2 cents per pound, imports in excess thereof during such period to be subject to a duty of 6 cents per pound (19 F. R. 4103).

In a letter dated July 14, 1953, the President directed the Tariff Commission to continue the investigation regarding alsike clover seed and to submit to him "a supplementary report by May 2, 1955, indicating whether it then considers the continuation of the tariff quota beyond June 30, 1955 necessary to prevent or remedy the serious injury to the domestic industry, which was reported by the Commission on May 21, 1954 to exist by reason of increased imports of alsike clover seed." Accordingly, notice is hereby given that, under authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, the Tariff Commission is continuing the said Investigation No. 31 for the purpose indicated by the President.

I certify that the foregoing action was taken by the United States Tariff Commission on August 3, 1954.

Issued: August 6, 1954.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 54–6205; Filed, Aug. 10, 1954; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 20]

MOTOR CARRIER APPLICATIONS

AUGUST 6, 1954.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served

on the applicant. Each protest must clearly state the name and street number, city and State address of each protestant on behalf of whom the protest is filed (49 CFR 1.240, 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5(2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 2304 Sub 18, THE KAPLAN TRUCKING COMPANY, a corporation, 1607 Woodland Avenue, Cleveland, Ohio. Applicant's attorney: John P. McMahon, George, Greek, King & McMahon, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, and those injurious or contaminating to other lading, serving a point near Salem, Ohio, on the Ohio Turnpike as a point of joinder only in connection with applicant's authorized operations, and between Alliance, Salem, and Sebring, Ohio, on the one hand, and, on the other, Peoria, Ill., Evansville and Connersville, Ind., Grand Rapids, Mich., points in the Chicago, Ill., Commercial Zone as defined by the Commission, and those in Indiana on and north of U. S. Highway 40, those in Wayne County, Mich., and those on U. S. Highway 10 between Detroit and Saginaw, Mich.; and (2) *empty containers* used in the movement of iron and steel and iron and steel products, between points in Ohio, Pennsylvania, New York, and West Virginia; between points in Kentucky within 10 miles of the confluence of the Ohio and Licking Rivers at Covington, on the one hand, and, on the other, Norwood, Ohio, and points within three miles thereof; from Peoria, Ill., Evansville and Connorsville, Ind., Grand Rapids, Mich., and points in the Chicago, Ill., Commercial Zone as defined by the Commission, those in Indiana on and north of U. S. Highway 40, those in Wayne County, Mich., and those on U. S. Highway 40 between Detroit and Saginaw, Mich., inclusive, to points in Ohio, Pennsylvania, New York and West Virginia, moving through Alliance, Salem or Sebring, Ohio; from points in Ohio, Pennsylvania, New York, and West Virginia, moving through Salem, Ohio, to points in the Chicago, Ill., Commercial Zone as defined by the Commission; and from Connorsville and Evansville, Ind., and points in the Chicago, Ill., Commercial Zone as defined by the Commission, to points in Cuyahoga County, Ohio. Applicant is authorized to conduct operations in Kentucky, Michigan, Ohio, Pennsylvania, New York, West Virginia, Illinois, and Indiana.

No. MC 2787 Sub 6, (reopened for oral hearing), GEORGE E. WHITTAKER, doing business as Whittaker Trucking Company, 6817 Central Avenue, Toledo, Ohio. Applicant's agent: G. H. Dilla, 3330 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Sand and stone*, in bulk, in dump truck equipment, and *dump trailer equipment*, between points in that part of Michigan on and south of U. S. Highway 12, on the one hand, and, on the other, points in Ohio on and north of U. S. Highway 36 to Marysville, Ohio, thence on and west of Ohio Highway 4 to Sandusky, Ohio. Applicant is authorized to conduct operations in Michigan and Ohio.

NO. MC 11899 Sub 7, STEVENS TRUCK LINES, INC., 182 North Avenue, Webster, N. Y. Applicant's representative: Raymond A. Richards, 13 Lapham Park, Webster, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cereal preparations*, dry, flaked and crumbled (1) from Oakfield, N. Y., and points within 25 miles of Oakfield, to New York, N. Y., and points in New Jersey, Connecticut, Massachusetts and Pennsylvania, except those in Potter, McKean, Warren, Crawford, Venango, Forest, Elk and Cameron Counties, Pa.; (2) from points within 25 miles of Oakfield, N. Y., except those in Genesee and Erie Counties, N. Y., to points in Potter, McKean, Warren, Crawford, Venango, Forest, Elk and Cameron Counties Pa., and (3) from points in Monroe and Wayne Counties, N. Y. to New York, N. Y., the District of Columbia, and points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island and Vermont, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities, on return movement. Applicant is authorized to conduct operations in New York and Pennsylvania.

No. MC 16903 Sub 11, MOON FREIGHT LINES, INC., P. O. Box 375, 120 West Grimes Lane, Bloomington, Ind. Applicant's attorney: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting:

(1) *Stone* (cut, uncut, finished and in the rough) from points in LeSueur, Blue Earth, and Nicollet Counties, Minn., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and that part of Texas on, north and east of a line beginning at the Texas-New Mexico State line and extending along U. S. Highway 180 to Lamesa, Tex., thence along U. S. Highway 87 to San Antonio, Tex., and thence along U. S. Highway 181 to Corpus Christi, Tex.;

(2) *Stone* (cut, uncut, finished and in the rough) from points in Fond du Lac, Door, Milwaukee, Walworth, Racine and Waukesha Counties, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and that part of Texas on, north and east of a line beginning at the Texas-New Mexico State line and extending along U. S. Highway 180 to Lamesa, Tex., thence along U. S. Highway 87 to San Antonio, Tex., and thence along U. S. Highway 181 to Corpus Christi, Tex.;

(3) *Stone*, granite, marble (cut, uncut, finished and in the rough) from points in Blount, Cumberland, Fentrous and Knox Counties, Tenn., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Minnesota, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Virginia, West Virginia, Wisconsin, and that part of Texas on, north and east of a line beginning at the Texas-New Mexico State line and extending along U. S. Highway 180 to Lamesa, Tex., thence along U. S. Highway 87 to San Antonio, Tex., and thence along U. S. Highway 181 to Corpus Christi, Tex.;

(4) *Stone* (cut, uncut, finished and in the rough) from points in Johnston, Logan, Arkansas and Sebastian Counties, Ark., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Minnesota, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Vir-

ginia, Wisconsin, and that part of Texas on, north and east of a line beginning at the Texas-New Mexico State line and extending along U. S. Highway 180 to Lamesa, Tex., thence along U. S. Highway 87 to San Antonio, Tex., and thence along U. S. Highway 181 to Corpus Christi, Tex.;

(5) *Stone*, granite, marble (cut, uncut, finished and in the rough) from points in Jasper County, Mo., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Minnesota, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and that part of Texas on, north and east of a line beginning at the Texas-New Mexico State line and extending along U. S. Highway 180 to Lamesa, Tex., thence along U. S. Highway 87 to San Antonio, Tex., and thence along U. S. Highway 181 to Corpus Christi, Tex.;

(6) *Stone* (cut, uncut, finished and in the rough) from points in Blount, Jefferson, and Franklin Counties, Ala., to points in Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and that part of Texas on, north and east of a line beginning at the Texas-New Mexico State line and extending along U. S. Highway 180 to Lamesa, Tex., thence along U. S. Highway 87 to San Antonio, Tex., and thence along U. S. Highway 181 to Corpus Christi, Tex.;

(7) *Stone* (cut, uncut, finished and in the rough) from points in Delaware and Tompkins Counties, N. Y., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and that part of Texas on, north and east of a line beginning at the Texas-New Mexico State line and extending along U. S. Highway 180 to Lamesa, Tex., thence along U. S. Highway 87 to San Antonio, Tex., and thence along U. S. Highway 181 to Corpus Christi, Tex.;

(8) *Stone, slate, granite* and *marble* (cut, uncut, finished, and in the rough) from points in Montgomery, Surry, Davidson and Rowan Counties, N. C., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and that part of Texas on, north and east of a line beginning at the Texas-New Mexico State line and extending along U. S. Highway 180 to Lamesa, Tex., thence along U. S. Highway 87 to San Antonio, Tex., and thence along U. S. Highway 181 to Corpus Christi, Tex.;

(9) *Stone* and *slate* (cut, uncut, finished and in the rough) from points in Potter, Cameron, McKean, Clinton and Wayne Counties, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Dakota, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and that part of Texas on, north and east of a line beginning at the Texas-New Mexico State line and extending along U. S. Highway 180 to Lamesa, Tex., thence along U. S. Highway 87 to San Antonio, Tex., and thence along U. S. Highway 181 to Corpus Christi, Tex.;

(10) *Stone* (cut, uncut, finished and in the rough) from points in Scioto, Coshocton and Tuscarawas Counties, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Dakota, North Carolina, Oklahoma, Rhode Island, South Carolina, South Dakota, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and that part of Texas on, north and east of a line beginning at the Texas-New Mexico State line and extending along U. S. Highway 180 to Lamesa, Tex., thence along U. S. Highway 87 to San Antonio, Tex., and thence along U. S. Highway 181 to Corpus Christi, Tex.;

(11) *Stone, marble* and *granite* (cut, uncut, finished and in the rough) from points in Pickens, Cherokee, Elbert, Madison, and Oglethorpe Counties, Ga., to points in Wisconsin, Minnesota, Iowa, Nebraska, North Dakota, and South Dakota;

(12) *Stone, marble* and *granite* (sawed and in the rough) from points in Pickens, Cherokee, Elbert, Madison and Oglethorpe Counties, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and that part of Texas on, north and east of a line beginning at the Texas-New Mexico State line and extending along U. S. Highway 180 to Lamesa, Tex., and thence along U. S. Highway 87 to San Antonio, Tex., and thence along U. S. Highway 181 to Corpus Christi, Tex., and

(13) *Stone, slate, marble* and *granite* (cut, uncut, finished and in the rough) from points in Providence County, R. I., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Dakota, North Carolina, Ohio, Oklahoma, South Carolina, South Dakota, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and that part of Texas on, north and east of a line beginning at the Texas-New Mexico State line and extending along U. S. Highway 180 to Lamesa, Tex., thence along U. S. Highway 87 to San Antonio, Tex., and thence along U. S. Highway 181 to Corpus Christi, Tex.

No. MC 17002 Sub 17, CASE DRIVEWAY, INC., 6001 U. S. Route 60, P. O. Box 1156, Huntington, W. Va. Applicant's attorney: Charles T. Dodrill, Dodrill, Barrett & Dunbar, West Virginia Building, Huntington, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles, new trucks, new bodies, new cabs* and *new chassis* and *unfinished automobiles*, in initial movement, by truckaway or driveaway service, from places of manufacture and assembly in Kenosha, Wis., to Ashland, Louisa, Paintsville, and Pikeville, Ky.; Richmond and Knightstown, Ind.; and Lima, Piqua and Elyria, Ohio; points in Meigs, Gallia, Lawrence, Washington and Scioto Counties, Ohio; Cabell, Putnam, Kanawha, Fayette, Greenbrier, Monroe, Summers, Raleigh, Mercer, McDowell, Wyoming, Logan, Boone, Mingo, Wayne, Lincoln, Mason, Jackson, Wood, Ritchie, Roane, Webster, and Nicholas Counties, W. Va.; that part of Virginia west of U. S. Highway 220 and south of U. S. Highway 60; and those in North Carolina and South Carolina. Applicant is authorized to conduct operations in Ohio, Kentucky, West Virginia, Virginia, North Carolina, South Carolina, Michigan and Indiana.

No. MC 22229 Sub 16, TERMINAL TRANSPORT COMPANY, INC., 180 Harriet Street, S. E., Atlanta, 1, Ga. Applicant's attorney: Jack Goodman, Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Chicago, Ill., and Vincennes, Ind., operating from Chicago over U. S. Highway 54 to junction Illinois Highway 49, thence over Illinois Highway 49 to junction Illinois Highway 133, thence over Illinois Highway 133 to junction Illinois Highway 1, thence over Illinois Highway 1 to junction U. S. Highway 50, thence over U. S. Highway 50 to junction U. S. Highway 41 at Vincennes, and return over the same route, serving no intermediate points (junction U. S. Highway 50 and 41 to be served as a point of joinder only), as an alternate route in connection with carrier's regular route operations between Chicago, Ill., and Atlanta, Ga., and between Chicago, Ill., and Birmingham,

Ala. Applicant is authorized to conduct operations in Florida, Georgia, Illinois, Indiana, Kentucky, and Alabama.

NO. MC 28132 SUB 31, HVIDSTEN TRANSPORT, INC., 2801 Front Street, Fargo, N. Dak. Applicant's attorney: Van Osdel & Foss, 506 First National Bank Building, Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum* products, in bulk, in tank vehicles, from Sinclair, Wyo., and points within 25 miles thereof, to points in North Dakota. Applicant is authorized to conduct operations in Minnesota, North Dakota and Wisconsin.

No. MC 35536 Sub 47, SCOTT BROS., INCORPORATED, 1000 South Broad Street, Philadelphia 46, Pa. Applicant's attorney: Gilbert Nurick, McNees, Wallace & Nurick, Commerce Building, (P. O. Box 432), Harrisburg, Pa. For authority to operate as a *common carrier*, transporting: *General commodities, including commodities of unusual value*, but excepting Class A and B explosives, commodities in bulk, commodities requiring special equipment; and household goods, as defined by Commission, in service auxiliary to, or supplemental of, rail service of The Pennsylvania Railroad Company, between Harrington, Del., and junction Maryland Highway 317 and Maryland Highway 313, operating from Harrington over Delaware Highway 14 to junction Maryland Highway 317, thence over Maryland Highway 317 to junction Maryland Highway 313, and return over the same route, serving no intermediate points, as an alternate or connecting route in connection with carrier's regular route operations between Harrington, Del., and Frederica and Ellendale, Del., and between Goldsboro, Md., and Easton, Md., and Cannon, Del.

No. MC 38565 Sub 7, HARRIS MOTOR EXPRESS, INC., 209–211 North Raleigh Street, Martinsburg, W. Va. Applicant's attorney: A. Allan Polakoff, 618 North Calvert Street, Baltimore 2, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk and those requiring special equipment, between points in Jefferson County, W. Va., on the one hand, and on the other, the District of Columbia. Applicant is authorized to conduct operations in Maryland, Virginia and West Virginia.

No. MC 41379 Sub 4, A. R. HOLEMAN AND MILTON JENSEN, doing business as FERNDALE AUTO FREIGHT, Box 356, Ferndale, Wash. For authority to operate as a *common carrier*, over a regular route, transporting: *Motor fuel anti-knock compound*, in bulk, in tank trucks, between Ferndale, Wash., and Neptune Beach, Wash., over unnumbered highways known as Mountain View Road and Kickerville Roads, serving all intermediate points, including site of new General Petroleum Corporation Refinery near Neptune Beach, and serving points within two miles of said refinery as off-route points.

No. MC 42227 Sub 1, as amended, BEKINS VAN AND STORAGE, INC., 25 East Mason Street, Santa Barbara, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *General Commodities, including household goods* as defined by the Commission, and *commodities of unusual value*, but excluding Class A and B explosives, livestock, commodities in bulk, and those requiring special equipment, between points within 30 miles of Santa Barbara, Calif., excepting Ventura and Santa Barbara, Calif. Applicant is authorized to conduct operations in California.

No. MC 43475 Sub 36, GLENDENNING MOTORWAYS, INC., 820 Hampden Ave., St. Paul, Minn., Applicant's attorney: Gordon Bosenmeir, American National Bank Bldg., Little Falls, Minn., for authority to operate as a *common carrier* over regular routes, transporting: *Class A and B explosives* and *General commodities*, except those of unusual value, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, other than those requiring special handling because of weight or size, and those injurious or contaminating to other lading, (1) between Duluth, Minn., and Brainerd, Minn., operating from Duluth, over U. S. Highway 61 to junction U. S. Highway 210, thence over U. S. Highway 210 to Brainerd, and return over the same route, serving no intermediate points on U. S. Highway 210 between Aitkin and Duluth, Minn.; (2) between St. Paul, Minneapolis and South St. Paul, Minn., and Brainerd, Minn., operating from St. Paul, Minneapolis; and South St. Paul over U. S. Highway 169 to Aitkin, Minn., thence over U. S. Highway 210 to Brainerd, and return over the same route, serving no intermediate points on U. S. Highway 169 between Aitkin and Minneapolis, St. Paul, and South St. Paul; (3) between Brainerd, Minn. and Walker, Minn., over U. S. Highway 371, serving the off-route point of Breezy Point, Minn, (4) between Brainerd, Minn., and Walker, Minn., operating from Brainerd over U. S. Highway 210 to junction U. S. Highway 10, thence over U. S. Highway 10 to Wadena, Minn., thence over U. S. Highway 71 to Park Rapids, Minn., thence over Minnesota Highway 34 to Walker, and return over the same route; (5) between Brainerd, Minn., and Garrison, Minn., over Minnesota Highway 18, (6) between junction U. S. Highway 371 and Minnesota Highway 87 and junction Minnesota Highway 6 and U. S. Highway 210, operating from junction U. S. Highway 371 and Minnesota Highway 87 over Minnesota Highway to junction Minnesota Highway 84, thence over Minnesota Highway 84 to junction Minnesota Highway 34, and thence over Minnesota Highway 34 to Remer, Minn., and thence over Minnesota Highway 6 to junction U. S. Highway 210, and return over the same route; (7) between Motley, Minn. and Akeley, Minn., over Minnesota Highway 64; (8) between junction U. S. Highway 371 and Minnesota Highway 34 and junction Minnesota Highway 34 and Minnesota Highway 84, over Minnesota Highway 34 (and also between junction Minnesota Highway 84 and Minnesota Highway 87 at Pontoria, Minn., and Pine River, Minn. over Minnesota Highway 84), and (9) between Pine River, Minn., and Emily, Minn., operating from Pine River easterly over White Line Road No. 2 to Harker's Store, thence over said road to junction County Aid Road 3, thence over County Aid Road 3 via Manhattan Beach to Cross Lake, Minn., thence over County Aid Road to Fifty Lakes, Minn., thence over White Line Road No. 2 to Emily, and return over the same route serving all intermediate points on the above-described routes, with the exceptions noted therein. Applicant is authorized to conduct operations in Iowa, North Dakota, Nebraska, South Dakota, Minnesota, Illinois, and Wisconsin.

No. MC 52465 Sub 8, WESTERN EXPRESS, a corporation, 712 Central Ave. West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, Seanberg & Swanberg, 527–529 Ford Bldg., Great Falls, Mont. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Great Falls, Mont., and Kalispell, Mont., operating (1) from Great Falls over combined U. S. Highways 89 and 91 to Vaughn, Mont., thence over U. S. Highway 89 to Browning, Mont., thence over U. S. Highway 2 to Kalispell, and return over the same route, serving the intermediate points of Columbia Falls, Coram, West Glacier Red Eagle, Summit, East Glacier Park, Browning, Vaughn, Fairfield, Choteau, Bynum, and Dupuyer, Mont., and the off-route point of Pendroy, Mont., and (2) from Great Falls over combined U. S. Highways 89 and 91 to Vaughn, thence over U. S. Highway 91 to Shelby, Mont., thence over U. S. Highway 2 to Kalispell, and return over the same route, serving the intermediate points of Columbia Falls, Coram, West Glacier, Red Eagle, Summit, East Glacier Park, Cut Bank, Ethridge, Shelby, Conrad, Brady, Dutton, and Vaughn, Mont., and the off-route point of Power, Mont. Applicant is authorized to conduct operations in Montana.

No. MC 52657 Sub 465, ARCO AUTO CARRIER, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 W. Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Trucks and busses*, in initial movement, by truckaway and driveaway service, from Canastota, N. Y., to points in the United States; and (2) *Trucks*, in initial movement, by truckaway and driveaway service, from Watertown, N. Y., to points in the United States.

No. MC 52657 Sub. 466, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 W. Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting:

(1) *Trailers*, other than those designed to be drawn by passenger automobiles, in initial movement, by truckaway and driveaway service, from Frankfort, and Canastota, N. Y., to points in the United States;

(2) *Tractors*, in secondary movement, by driveaway service, only when drawing trailers moving in initial driveaway service as described above, from Frankfort, and Canastota, N. Y., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia;

(3) *Motor vehicle bodies* and *snow plows*, unmounted, from Canastota, N. Y., to points in the United States; and

(4) *Truck and trailer bodies*, from Warren, Pa., to points in the United States.

No. MC 52657 Sub 462, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 W. Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: Automobiles, in initial movement, by truckaway service, from Kenosha, Wis., to points in Arizona, Colorado, New Mexico, Oklahoma, and Texas.

No. MC 52657 Sub 463, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 W. Doty St., Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles*, in initial movement, by truckaway service, from Kenosha, Wis., to points in California, Idaho, Nevada, Oregon, and Washington.

No. MC 60846 Sub 3, STANLEY OSMULSKI, Mountain Ave., Springfield, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cinder blocks* and *cement*, from East Orange and Westfield, N. J., to points in Pennsylvania, New York (except New York, N. Y., and points in Westchester, Rockland and Nassau Counties, N. Y.), and Connecticut (except points in Fairfield County, Conn.). Applicant is authorized to conduct operations in New Jersey, New York and Connecticut.

No. MC 61265 Sub 44, SOUTHEASTERN MOTOR TRUCK LINES, INC., Hill Blanton Avenue, P. O. Box 1085, Nashville, Tenn. Applicant's attorney: Charles H. Hudson, Jr., 407 Broadway National Bank Building, Nashville, Tenn. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between junction U. S. Highways 60 and 31W at or near Fort Knox, Ky. and junction U. S. Highways 60 and 41 near Henderson, Ky., over U. S. Highway 60, serving no intermediate points (with service at termini for purposes of joinder only), restricted against the transportation of any shipments moving between Cincinnati, Ohio, on the one hand, and, on the other, Evansville, Ind., or St. Louis, Mo., as an alternate route in connection with carrier's regular route operations between Cincinnati, Ohio, and Atlanta, Ga., and between Nashville, Tenn., and Evansville, Ind. Applicant is authorized to conduct operations in Ohio, Tennessee, Kentucky, Georgia, Illinois, Indiana, and Missouri.

No. MC 61396 Sub 47, HERMAN BROS. INC., 1207 Chicago St. (P. O. Box 1237), Omaha 2, Nebr. Applicant's attorney: Jack W. Marer, Omaha National Bank Bldg., Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquids*, in bulk, in tank vehicles, between points in Nebraska and Kansas. Applicant is authorized to conduct operations in Iowa, Kansas, Missouri, and Nebraska.

No. MC 64932 Sub 152, ROGERS CARTAGE CO., a corporation, 1934 So. Wentworth Avenue, Chicago, Ill. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank and hopper vehicles, from Chicago Heights, Ill., to points in Illinois, Indiana, Iowa, Oklahoma, Kentucky, Michigan, Minnesota, Missouri, Ohio, Wisconsin, Nebraska, Kansas, Texas, Alabama, and North Carolina. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin.

No. MC 64932 Sub 153, ROGERS CARTAGE CO., a corporation, 1934 So. Wentworth Avenue, Chicago, Ill. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank and hopper vehicles, from Nashville, Tenn., to points in Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, Tennessee, North Carolina, Virginia, Kentucky, West Virginia, Ohio, Missouri, Indiana, Illinois, Arkansas, Oklahoma, and Kansas. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin.

No. MC 65434 Sub 1, D. E. BENTON, JR., Westside, Iowa. Applicant's attorney: E. A. Hutchison, Hutchison & Hurst, 420 Security Bank Building, Sioux City 1, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Feed, steel, farm machinery, twine, baling wire, bale ties, wire fencing* and *nails*, between Burlington, Wis., points in the Chicago, Ill., Commercial Zone as defined by the Commission, and Joliet, Ill., and Westside, Iowa, and points within 20 miles thereof, and Sioux City, Iowa. Applicant is authorized to conduct operations in Illinois, Iowa and Nebraska.

No. MC 67370 Sub 2, NEW ENGLAND TRANSFER, INC., 2 Wellington Ave., Everett, Mass. Applicant's attorney: Joseph A. Kline, 185 Devonshire Street, Boston, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sheet steel containers, sheet steel kitchen-ware, garbage closets* and *ash barrels*, from Everett, Mass. to points in New Hampshire and Rhode Island. Applicant is authorized to conduct operations in Massachusetts.

NO. MC 67646 Sub 39, HALL'S MOTOR TRANSIT COMPANY, a corporation, 4th Street and Shikellimy Avenue, Sunbury, Pa. Applicant's attorney: Leonard R. Apfelbaum, 312 Bittner Building, Sunbury, Pa. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Scranton, Pa., and Mansfield, Pa., over U. S. Highway 6, serving no intermediate points, as an alternate or connecting route, in connection with the carrier's regular route operations between (1) York and Scranton, Pa.; (2) West Nanticoke and Scranton, Pa.; (3) Endicott, N. Y., and Scranton, Pa.; (4) Williamsport and Mansfield, Pa. (which is a portion of the carrier's regular route, between Harrisburg, Pa., and Buffalo, N. Y.); and (5) Trout Run and Mansfield, Pa. (which is a portion of the carrier's regular route between Trout Run, Pa., and Syracuse, N. Y.). Applicant is authorized to conduct operations in New Jersey, New York, Ohio, and Pennsylvania.

No. MC 67818 Sub 49, MICHIGAN EXPRESS, INC., 505 Monroe, N. W., Grand Rapids, Mich. Applicant's attorney: Leonard C. Verdier, Jr., Michigan Trust Building, Grand Rapids 2, Mich. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk (not including metal products and scrap metals in bulk), and those requiring special equipment, between Zeeland, Mich., and Junction 96th Avenue and Michigan Highway 50, over 96th Avenue, serving the intermediate point of Borculo, Mich. Applicant is authorized to conduct operations in Michigan, Illinois, and Indiana.

No. MC 68807 Sub 20, BENJAMIN H. HERR, doing business as HERR'S MOTOR EXPRESS, Quarryville, Pa. Applicants' representative: Bernard N. Gingerich, Quarryville, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Plumbers' goods*, from Ellwood City, Pa., to points in Maine, New Hampshire, Vermont, Haddon Heights, N. J., and Rockville, Md., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities, on return movement. Applicant is authorized to conduct operations in Pennsylvania, Connecticut, Massachusetts, New York, Virginia, Delaware, Maryland,

New Jersey, Rhode Island, and the District of Columbia.

No. MC 69106 Sub 1, R. N. G. COMMERCIAL AUTO RENTERS, INC., 607 Sackett Street, Brooklyn, N. Y. Applicant's attorney: M. Hiram Kagan, 16 Court Street, Brooklyn 2, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Corrugated paper* and *paper products*, from Jersey City, N. J., to points in New Jersey, Pennsylvania, Connecticut and New York, within 100 miles of Jersey City, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return movements.

No. MC 73756 Sub 3, DAVID GINSBURG, SARAH GINSBURG SINGER, TILLIE MOORE AND MORRIS SINGER, doing business as WASTE MOTOR HAULAGE COMPANY, South Brandywine Avenue, Downingtown, Pa. Applicant's attorney: Edwin J. Feeny, Blank and Rudenko, 1529 Walnut Street, Philadelphia 2, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Paper board* and *paper board products*, from Downingtown, Pa., to points in Rhode Island, Massachusetts, Ogdensburg and Rochester, N. Y., Belle, Falling Waters, White Hall, Salem and Manheim, W. Va., and Akron, Cincinnati, Columbus, Cleveland and Canton, Ohio, and (2) *waste paper, paper pulp* and *empty skids* used in connection with the above-mentioned commodities, from the above-specified destination points to Downingtown, Pa. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and the District of Columbia.

No. MC 78786 Sub 198, PACIFIC MOTOR TRUCKING COMPANY, A CORPORATION, 65 Market Street, San Francisco 5, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except milk and cream and the products thereof, and farm and dairy supplies, between points in Marin County, Calif., and Sonoma County, Calif., substituting the gateway of Willits, Calif., in lieu of the gateway of Healdsburg, Calif., previously authorized in connection with carrier's regular route operations transporting the above-described commodities between points in California, RESTRICTION: (1) Service to be performed by carrier shall be limited to that which is auxiliary to, or supplemental of, rail service; (2) carrier shall not service any point not a station on a railroad; (3) shipments transported by said carrier shall be limited to operations between any of the following points, or through, or to, or from more than one of the following points: San Francisco-Oakland, Santa Cruz, Gilroy, Woodland, Roseville, Napa, and Healdsburg, Calif.; and (4) such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to, or supplemental of, rail service. Applicant is authorized to conduct operations in Oregon, California, Nevada, Arizona, and Texas.

No. MC 80638 Sub 4, W. G. HAULAGE CORP., 46 Scott Avenue, Brooklyn 37, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Groceries*, restricted to an operation under individual contracts or agreements with persons (as defined in the Interstate Commerce Act) who operate wholesale grocery houses, from Ridgewood (Kings County), N. Y., to points in New Jersey on and south of U. S. Highway 30. Applicant is authorized to conduct operations in New York, Massachusetts, Connecticut, Pennsylvania, and New Jersey.

No. MC 94542 Sub 15, JOHN G. MILLER, doing business as MILLER TRUCKING COMPANY, Route 5, Gettysburg, Pa. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, (1) from Hanover, Pa., to points in Virginia and West Virginia and (2) from Hanover, Pa., Berryville and Winchester, Va., to points in Indiana and Illinois, and *empty containers or other such incidental facilities* (not specified) in transporting the commodity specified on return movements. Applicant is authorized to conduct operations in Virginia, New York, Ohio, Pennsylvania, West Virginia and Massachusetts.

No. MC 95540 Sub 244, WATKINS MOTOR LINES, INC., P. O. Box 785, Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, and meat by-products*, and *articles distributed by meat packing houses*, as defined by the Commission in Ex Parte 38, from Green Bay, Wis., to points in Alabama, Georgia, South Carolina and Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

No. MC 96489 Sub 15, BOWEN TRUCKING, INC., Holley, N. Y. Applicant's representative: Raymond A. Richards, 13 Lapham Park, Webster, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cereal preparations*, Dry, flaked and crumbled, (1) from Hamlin and Hilton, N. Y., and points in Erie, Niagara and Orleans Counties, New York to points in Ohio; and (2) from points in Erie, Genesee, Monroe, Niagara and Orleans Counties, New York to points in Pennsylvania, New Jersey and those in the New York, N. Y. Commercial Zone as defined by the Commission, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities, on return movement.

No. MC 97357 Sub 3, ALLYN TANK LINE, INC., 14011 South Central Avenue, Los Angeles 59, Calif. Applicant's attorney: Ivan McWhinney, Bailey & Poe, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Aqua ammonio*, in bulk, in tank vehicles, between points in California, on the one hand, and, on the other, all ports of entry in California located on the United States-Mexico International Boundary line.

No. MC 98707 Sub 1, MILES MOTOR TRANSPORT SYSTEM, a corporation, Post Office Box 510, Stockton, Calif. Applicant's attorney: Edward M. Berol, 1410 Shell Building, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *Cement*, in bulk, from points in San Mateo, Santa Clara, Santa Crux and Calaveras Counties, Calif., to points in Oregon and Nevada; and *general commodities*, including *class A and B explosives, commodities in bulk*, and *commodities requiring special equipment*, but excluding commodities of unusual value, household goods as defined by the Commission, petroleum products, in bulk, livestock, poultry and unprocessed agricultural commodities, and shipments requiring insulated vehicles equipped with mechanical temparature control systems, (1) between Los Angeles, Calif., and Sacramento, Calif., over U. S. Highway 99; (2) between Los Angeles, Calif., and San Francisco, Calif., from Los Angeles over U. S. Highway 99 to junction California Highway 120, thence over California Highway 120 to junction U. S. Highway 50, and thence over U. S. Highway 50 to San Francisco, (also, from Los Angeles over U. S. Highway 99 to Sacramento, and thence over U. S. Highway 40 to San Francisco), and return over the same routes; and (3) between Los Angeles, Calif., and Eureka, Calif., from Los Angeles over U. S. Highway 101 to Eureka, (also, from Los Angeles over U. S. Highway 101 Alternate to Oxnard, thence over U. S. Highway 101 to San Jose, thence over U. S. Highway 101 Bypass to San Francisco, and thence over U. S. Highway 101 to Eureka), and return over the same routes; service is proposed to and from all intermediate points, and all off-route points located within twenty-five (25) miles of the above-described routes. RESTRICTION: (1) no shipments of iron and steel articles and tinplate having origin or destination at Pittsburg, Calif. shall be transported; (2) no shipments shall be transported having both origin and destination (a) between San Francisco, Calif. and San Jose, Calif., inclusive; (b) between San Francisco, Richmond, Albany, El Cerrito, Oakland, Emeryville, Berkeley, Alameda, San Leandro, and Hayward, Calif.; and (c) between points located within a radius of ten (10) miles of Los Angeles, Calif.; and (3) no shipments of less than 20,000 pounds or subject to a charge lower than applicable on 20,000 pounds shall be transported (except that between San Francisco and Eureka shipments shall be 30,000 pounds or more or bear a charge applicable to 30,000 pounds), except that in the case of empty containers applicant shall not transport any such shipment of less than 5,000 pounds or subject to a charge lower than applicable on 5,000 pounds. Applicant is authorized to conduct operations in California under the second

proviso of section 206 (a) (1) of the Interstate Commerce Act.

No. MC 103378 SUB 27, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalts and asphalt emulsions*, and *Petroleum products*, in bulk, in tank trucks, from St. Marks, Fla., and points within 15 miles thereof, to points in Alabama within 175 miles thereof. Applicant is authorized to conduct operations in Alabama, Georgia, Florida, and North Carolina.

No. MC 105572 Sub 11 (reopened for oral hearing), C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Ave., St. Louis, Mich. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cement*, and *mortar*, in bulk, and in packages, between Speed, Ind., on the one hand, and, on the other, points in Ohio and Michigan. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, and Ohio.

No. MC 106236 Sub 10, BLUE RIDGE TRANSPORTATION COMPANY, INCORPORATED, Rutledge Pike and Chilhowee Drive, Post Office Box 567, Knoxville, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal spray oil* (liquid petroleum asphalt), in bulk, in tank vehicles, from Cleves, Ohio, to points in Claiborne and Campbell Counties, Tenn. Applicant is authorized to conduct operations in Tennessee, North Carolina, and Georgia.

No. MC 106497 Sub 7, PARKHILL TRUCK COMPANY, a corporation, 2000 E. Jasper, P. O. Box 1856, Tulsa, Okla. Applicant's attorney: Carll V. Kretsinger, Suite 1210 Waltower Bldg., Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Machinery, equipment, materials*, and *supplies*, used in or in connection with the discovery, development, production refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products and byproducts, and (2) *machinery, equipment, materials*, and *supplies*, used in or in connection with irrigation, the drilling of water wells, salt water injection wells, wells for underground reservoir storage, and the drilling of wells for all other purposes, between points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.

No. MC 106623 Sub 7, SOUTHWEST OILFIELD TRANSPORTATION CO., A Corporation, P. O. Box 7427, 601 Service St., Houston, Texas. Applicant's attorney: W. T. Brunson, Braniff Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products and by-products, and *machinery, equipment, materials*, and *supplies* used in, or in connection with, irrigation, the drilling of water wells, salt water injection wells, wells for underground reservoir storage, and the drilling of wells for all other purposes, (1) between points in Texas, Kansas, Oklahoma, and Louisiana; and (2) between points in Oklahoma, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the Montana-Wyoming State line near Alzada, Mont., and extending along U. S. Highway 212 to Miles City, Mont., thence along Montana Highway 22 to Jordan, Mont., thence northwesterly in a straight line to Malta, Mont., and thence along Montana Highway 19 to the Canadian boundary, those in that part of North Dakota on and west of North Dakota Highway 30, and those in South Dakota west of the Missouri River and on and north of U. S. Highway 14.

No. MC 106647 Sub 26, CLARK TRANSPORT COMPANY, A corporation, P. O. Box 295, Chicago Heights, Ill. Applicant's attorney: Carl L. Steiner, Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mobile pop-corn vending machines*, from Minneapolis, Minn., to Manchester, N. H., Dover, Del., Pittsburgh, Pa., Van Wert, Ohio, Detroit, Mich., Indianapolis and Warsaw, Ind., Seattle, Wash., Des Moines, Iowa, Milwaukee, Wis., Chicago and Springfield, Ill., St. Louis and Kansas City, Mo., Oklahoma City, Okla., Omaha, Nebr., Sioux Falls, S. Dak., Fargo, N. Dak., Billings, Mont., Denver, Colo., and Portland, Oreg.

No. MC 107229 Sub 4, NATIONWIDE VAN LINES, INC., 47 Lincoln Place, Brooklyn, N. Y. For authority to operate as a common carrier, over irregular routes, transporting: *Household goods* as defined by the Commission, between Long Island, N. Y., and points in the New York, N. Y. Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Mississippi, Louisiana, and Texas.

No. MC 107295 Sub 40, PRE-FAB TRANSIT CO., A CORPORATION, Farmer City, Ill. Applicant's attorney: Mack Stephenson, First National Bank Building, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, including *all component parts, materials, supplies, and fixtures*, and when shipped with such buildings, *accessories used in the erection, construction, and completion thereof*, between points in Ohio, on the one hand, and, on the other, all points in the United States.

No. MC 107496 Sub 44, RUAN TRANSPORT CORPORATION, 408 S. E. 30th Street, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizer solution, acqua ammonia, methanol*, and *anti-freeze solution*, in bulk, in tank trucks, from Military, Cherokee County, Kans., and Louisiana, Pike County, Mo. and points within 15 miles of each, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. Applicant is authorized to conduct operations in Iowa, Illinois, Wisconsin, Missouri, Minnesota, and Nebraska.

No. MC 107496 Sub 45, RUAN TRANSPORT CORPORATION, 408 S. E. 30th Street, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Ex Parte No. MC 45, in bulk, in tank vehicles between points in Wisconsin. Applicant is authorized to conduct operations in Iowa, Illinois, Wisconsin, Missouri, Minnesota and Nebraska.

No. MC 107496 Sub 46, RUAN TRANSPORT CORPORATION, 408 S. E. 30th Street, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Ex Parte No. MC 45, in bulk, in tank vehicles, between points in Minnesota. Applicant is authorized to conduct operations in Iowa, Illinois, Wisconsin, Missouri, Minnesota, and Nebraska.

No. MC 107496 Sub 47, RUAN TRANSPORT CORPORATION, 408 S. E. 30th Street, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Ex Parte No. MC 45, in bulk, in tank vehicles, between points in Iowa. Applicant is authorized to conduct operations in Iowa, Illinois, Wisconsin, Missouri, Minnesota, and Nebraska.

No. MC 107496 Sub 48, RUAN TRANSPORT CORPORATION, 408 S. E. 30th Street, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Ex Parte No. MC 45, in bulk, in tank vehicles, between points in Illinois. Applicant is authorized to conduct operations in Iowa, Illinois, Wisconsin, Missouri, Minnesota, and Nebraska.

No. MC 107515 Sub 155, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue, S. W., Atlanta, Ga. Applicant's attorney: Allan Watkins, Edgar Watkins and Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Poultry*, fresh dressed, ice packed, or frozen, from Abilene, Tex. to points in Alabama, Georgia, Florida, North Caroline, South Carolina and Tennessee. Applicant is authorized to conduct operations in Georgia, Tennessee, North Carolina, South Carolina, Florida, Mississippi, Louisiana and Alabama.

No. MC 107818 Sub 14, ELLA GREENSTEIN, doing business as GREENSTEIN TRUCKING COMPANY, Pompano Beach, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from points in Nebraska, to points in Florida, except from Omaha, Nebr., to Jacksonville and Miami, Fla.

No. MC 108185 Sub 11, DIXIE HIGHWAY EXPRESS, INC., P. O. Box 631, Meridian, Miss. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Tuscaloosa, Ala., and junction U. S. Highway 82 and U. S. Highway 31 near Prattville, Ala., over U. S. Highway 82, serving no intermediate points, as an alternate route, in connection with carrier's regular route operations between Tuscaloosa, Ala., and Birmingham, Ala., and between Birmingham, Ala., and Montgomery, Ala. Applicant is authorized to conduct operations in Alabama, Georgia, Mississippi, Louisiana, and Florida.

No. MC 108185 Sub 12, DIXIE HIGHWAY EXPRESS, INC., P. O. Box 631, Meridian, Miss. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Jemison, Ala., and junction Alabama Highway 191 and Alabama Highway 22 near Maplesville, Ala., over Alabama Highway 191, serving no intermediate points, as an alternate route, in connection with carrier's regular route operations between Clanton, Ala., and Selma, Ala., and between Birmingham, Ala., and Montgomery, Ala. Applicant is authorized to conduct operations in Alabama, Georgia, Mississippi, Louisiana, and Florida.

No. MC 108543 Sub 4, G. C. HINRICHS, doing business as HINRICHS TRUCK LINE, 723 7th Street, Ida Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural implements* and *agricultural machinery and parts* thereof, building material, *iron and steel articles, paint*, and *petroleum products*, in containers, from Chicago, Ill., to Ida Grove, Iowa; *agricultural implements* and *agricultural machinery and parts thereof*, and *iron and steel articles*, from Rock Falls and Sterling, Ill., to Ida Grove, Iowa; and *building material*, and *iron and steel articles*, from Chicago Heights and Joliet, Ill., to Ida Grove, Iowa. Applicant is authorized to conduct operations in Iowa, Illinois, Minnesota, Nebraska, and South Dakota.

No. MC 109095 Sub 5, ANDERSON MOTOR SERVICE, INC., 1516 N. Fourteenth St., St. Louis, Mo. Applicant's attorney: Harry B. La Tourette, Jr., La Tourette & Rebman, Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between East Alton, Ill., and St. Louis, Mo., operating from East Alton over Alternate U. S. Highway 67 to the Mississippi River Bridge, thence over the Mississippi River Bridge to St. Louis, Mo., and return over the same route, serving no intermediate points, for joinder purposes only, as an alternate route, in connection with regular route operations, between East Alton, Ill., and Indianapolis, Ind., and between St. Louis, Mo., and Akron, Ohio. RESTRICTION: No service to be performed between East Alton, Ill., and St. Louis, Mo. Applicant is authorized to conduct operations in Illinois, Indiana, Missouri and Ohio.

No. MC 109141 Sub 13, WYOMING BUTANE GAS COMPANY, a corporation, 108 South 27th Street, Billings, Mont. Applicant's attorney: Jerome Anderson, Hoiness, Anderson & Peete, Electric Bldg., Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gas*, including *butane* and *propane*, in bulk, in tank trucks, from points in North Dakota, on the one hand, and, on the other, points in Montana, and South Dakota, and those in that part of Minnesota bounded by a line beginning at or near Eastport, Minn., and extending easterly along the United States–Canada International Boundary line to Lake Superior, Minn., thence southwesterly along U. S. Highway 61 to Duluth, Minn., thence west on U. S. Highway 210 to Wadena, Minn., thence south along U. S. Highway 71 to the Minnesota–Iowa State line, thence west over the Minnesota–Iowa State line to the Minnesota–South Dakota State line, thence north over the Minnesota–South Dakota State line to point of beginning, including points on U. S. Highway 61 from the United States–Canada State line to Duluth, those on U. S. Highways 210 to Wadena, and points on U. S. Highway 71 from Wadena to the Minnesota–Iowa State line. Applicant is authorized to conduct operations in Wyoming, Montana, Colorado, Utah, Nebraska, North Dakota and South Dakota.

NO. MC 109451 Sub 30, amended, ECOFF TRUCKING, INC., 117 McCarty Street, Fortville, Ind. Applicant's attorney: William J. Guenther, Boyce, Guenther, Harrison & Moberly, 1511 Fletcher Trust Bldg., Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Phosphoric acid*, in bulk, in tank trucks, from the site of the Plant of Shea Chemical Corporation located approximately two (2) miles north of Jeffersonville, Ind., on U. S. Highway 31 E, to points in Kentucky, Ohio, Illinois, Wisconsin, Missouri, those in the lower peninsula of Michigan, and points in West Virginia, except Charleston, South Charleston, Institute, Fairmont, Morgantown, and Follansbee, W. Va.; and *Sodium phosphates*, in bulk, in hopper type trucks, from the site of the Plant of Shea Chemical Corporation located approximately two (2) miles north of Jeffersonville, Ind., on U. S. Highway 31 E, to points in Kentucky, Ohio, Illinois, Wisconsin, Pennsylvania, West Virginia, Missouri, and the lower peninsula of Michigan. Applicant is authorized to conduct operations in Indiana, Missouri, Illinois, Ohio, Kentucky, Wisconsin, and the lower peninsula of Michigan.

NO. MC 109633 Sub 7, ARBET TRUCK LINES, INC., 14800 S. Loomis Street, Harvey, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives other than small arms ammunition, household goods as defined by the Commission, and liquids in bulk, between Middletown, Ohio, and Connersville, Ind., operating from Middletown over Ohio Highway 73 to Oxford, Ohio, thence over U. S. Highway 27 to Liberty, Ind., thence over Indiana Highway 44 to Connersville, and return over the same route, serving no intermediate points as a connecting route in connection with carrier's regular route operations between Chicago, Ill., and Columbus, Ohio, between Hamilton, Ohio, and Lima, Ohio, and between Cincinnati, Ohio and Van Wert, Ohio. Applicant is authorized to condut operations in Illinois, Ohio, Indiana, Iowa, Missouri, Kentucky, and Michigan.

NO. MC 109658 SUB 2 (as amended), GEORGE C. WINN AND LYLE E. WINN, doing business as MARION MACHINE WORKS, South Main Street, Marion, Ky. Applicant's representative: A. W. Craig, Manufacturers & Wholesalers Association, Paducah, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fluorspar*, in bulk, in covered dump trucks, from Hardin County, Ill., to points in Marshall County, Ky. Applicant is authorized to conduct operations in Kentucky and Illinois.

NO. MC 110478 Sub 3, WATKINS TRUCKING, INC., 818 Gorley Street, Uhrichsville, Ohio. Applicant's attorney: Richard H. Brandon, Sanborn, Nacey and Brandon, Hartman Building, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Hydraulic floor cranes* and *hydraulic truck cranes*, from Uhrichsville, Ohio, to points in Illinois, Indiana, those in the Lower Peninsula of Michigan, Kentucky, West Virginia, Pennsylvania, New York, New Jersey, Maryland, Delaware, Virginia, St. Louis, Mo., and points in St. Louis County, Mo., and the District of Columbia, and *machinery, materials and supplies used in the manufacture and shipping of hydraulic floor cranes and hydraulic truck cranes*, from the abovenamed destination points to Uhrichsville, Ohio.

NO. MC 111557 Sub 7, KARL E. MOMSEN, doing business as MOMSEN TRUCKING CO., North Hiway 71 & 18, Spencer, Iowa. Applicant's attorney: Donald R. Wigton, 1221 Badgerow Building, Sioux City 1, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, (1) from St. Paul, Minn., to O'Neill, Nebr., and (2) from Milwaukee, Wis., to Norfolk and O'Neill, Nebr., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return. Applicant is authorized to conduct operations in Illinois and Iowa.

NO. MC 112446 Sub 11, REFINERS TRANSPORT, INC., 1521 Demonbreun Street, Nashville, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petro-*

leum and *petroleum products*, in bulk, in tank vehicles, between points in Daviess and Hardin Counties, Ky., on the one hand, and, on the other, points in Tennessee. Applicant is authorized to conduct operations in Tennessee, Alabama, Virginia, and Kentucky.

NO. MC 112801 Sub 1, TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Box 272, Chicago 50, Ill. Applicant's attorney: Richard F. Hahn, Halfpenny & Hahn, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in tank trucks from Tuscola, and Peoria, Ill., and Terre Haute, Ind., and points in the Chicago, Ill., Commercial Zone as defined by the Commission, to points in Illinois, Indiana, and Wisconsin.

NO. MC 113337 Sub 2, WESLEY E. LA BAGH, 24 Montgomery Street, Middletown, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and meat byproducts; dairy products;* and *articles distributed by meat packing houses* as defined by the Commission in Ex Parte No. MC 38, from Middletown, N. Y., to points in Dutchess County, N. Y., and *damaged, defective or returned shipments* of the above-specified commodities on return movements. Applicant is authorized to conduct operations in New Jersey, New York and Pennsylvania.

No. MC 113551 Sub 3, L. A. HILPP, 400 North 37th Street, Louisville, Ky. Applicant's attorney: Earl C. Frankenberger, Kentucky Home Life Bldg., Louisville, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Kosmosdale, Ky., and points within five miles thereof, to points in Indiana, Ohio, and Tennessee.

No. MC 113551 Sub 4, L. A. HILPP, 400 North 37th Street, Louisville, Ky. Applicant's attorney: Earl C. Frankenberger, Kentucky Home Life Bldg., Louisville, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Madison, Ind., and points within five miles thereof, to points in Kentucky.

No. MC 113459 Sub 7, H. J. JEFFRIES TRUCK LINE, INC., 4740 South Shields, Oklahoma City, Okla. Applicant's attorney: Truman A. Stockton, Jr. Stockton, Linville and Lewis, The 1650 Grant Street Bldg., Denver 3, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; and *machinery, equipment* and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main or trunk lines, (1) between points in Nevada, and (2) between points in Nevada, on the one hand, and, on the other, points in Wyoming, Colorado, Oklahoma, and Texas. Applicant is authorized to conduct operations in Illinois, Texas, Indiana, Iowa, Oklahoma, Kansas, Arkansas, New Mexico, Kentucky, Missouri, Colorado, Louisiana, and Wyoming.

No. MC 113899 Sub 1, LEON ROGER, 22 Shore Road, Pelham Manor 65, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Boats*, requiring special equipment, between all points in Nassau, Suffolk and Westchester Counties, New York and New York, N. Y., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, Connecticut and the District of Columbia.

No. MC 114015 Sub 2, HUSS, INCORPORATED, Chase City, Va. Applicant's attorney: John C. Goddin, Shewmake, Gary, Goddin & Blackwell, State-Planters Bank Building, Richmond 19, Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber* from Chase City and Keysville, Va., to Bloomfield, N. J., and points in New Jersey within 40 miles of Bloomfield, points in Pennsylvania, and those in the New York, N. Y., Commercial Zone as defined by the Commission.

No. MC 114098 Sub 2, LOWTHER TRUCKING COMPANY, Morris Field, Charlotte, N. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Charlotte, N. C., and Clover, S. C. operating from Charlotte over North Carolina Highway 49 to junction South Carolina Highway 557, and thence over South Carolina Highway 557 to Clover, and return over the same route, serving no intermediate points, as an alternate or connecting route in connection with carrier's regular-route operations between Charlotte, N. C., and Rock Hill, S. C., and between Rock Hill, S. C., and Clover, S. C., and (2) between Charlotte, N. C., and Lancaster, S. C., operating from Charlotte over U. S. Highway 21 to junction U. S. Highway 521, thence over U. S. Highway 521 to Lancaster, and return over the same route, serving no intermediate points, as an alternate or connecting route in connection with carrier's regular route operations between Charlotte, N. C., and Rock Hill, S. C., and between Rock Hill, S. C., and Lancaster, S. C. Applicant is authorized to conduct operations in North Carolina and South Carolina.

No. MC 114368 Sub 2, ALLEN E. KROBLIN, INC., Sumner, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Poultry*, in all forms, *eggs* in all forms, *dairy products* in all forms, *poultry boxes, metal containers, bags* and *supplies necessary to the operating of the poultry and egg business*, between Wells, Winnebago, and Kiester, Minn., and Sumner, Iowa. Applicant is authorized to conduct operations in Iowa, Illinois, Minnesota and Wisconsin.

No. MC 114469 Sub 1, (amended), GEORGE E. SCOTT, doing business as I. V. TRUCKING SERVICE, 1655 S. Alameda Street, Los Angeles 21, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chromite ore*, in bulk, from points in Santa Barbara, San Benito, San Luis Obispo, Monterey, and Fresno Counties, Calif., to Grants Pass, Oreg., and points within 10 miles of Grants Pass, and *empty containers* or *other such incidental facilities* (not specified) used in transporting the commodities specified on return.

No. MC 114632 Sub 2, APPLE LINES, INC., 904 City National Bank Bldg., Omaha, Nebr. Applicant's attorney: Einar Viren, Swenson, Viren & Emmert, 904 City National Bank Building, Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes transporting: *Raw salt* and *processed salt products*, from points in Kansas to points in South Dakota.

No. MC 114654, JOSEPH GENOVESE, doing business as MARINE TRUCKING CO. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Wallpaper*, in packages; and *paint*, in quart and gallon cans packed in cartons; including *samples* thereof, and *advertising matter* and *supplies*, between New Canaan, Conn. and New York, N. Y.

No. MC 114714 Sub 1, C. F. LaROCQUE, Danbury, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Wood slat corn cribbing*, in rolls, and *wood slat snow fencing*, in rolls, during the season of each year between May 1 and December 31, inclusive, from Lewis, Wis., to points in Minnesota, Iowa, Nebraska, Illinois, North Dakota and South Dakota, and *returned shipments*, on return movement.

No. MC 114751 Sub 1, L. G. WILBANKS AND BENSON BOWEN, doing business as RAILWAY MOTOR FREIGHT, Route No. 2, Toccoa, Ga. Applicant's attorney: E. D. Kenyon, Kenyon, Kenyon & Gunter, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, including *commodities of unusual value, Class A and B explosives, household goods* as defined by the Commission, *commodities in bulk*, and *those requiring special equipment*, between Cornelia, Ga., Franklin, N. C., and points in Georgia and North Carolina which are also rail stations of the Tallulah Falls Railway Company between its termini at Cornelia and Franklin, on the one hand, and, on the other, points in Georgia, North Carolina, South Carolina and Tennessee, which are located within 80 miles of said rail stations and termini, restricted to traffic having a prior or subsequent movement by said railroad.

No. MC 114803, JOSEPH E. GLACKEN AND CHARLES E. GLACKEN, doing business as GLACKEN BROS., 2505 N. Water Street, Decatur, Ill. For authority on operate as a *contract carrier*, over irregular routes, transporting: *Gases*, compressed (such as actylene, air,

argon, boron, carbon dioxide, chlorine, helium hydrogen, oxygen), in steel cylinders or tanks or special steel cylinders permanently mounted on semi-trailers, between St. Louis, Mo., on the one hand, and, on the other, points in Illinois.

No. MC 114817, I. V. TRUCKING SERVICE, INC., 1655 Alameda St., Los Angeles, Calif. Applicant's attorney: James L. Griffin, 1304 East Seventh Street, Los Angeles 21, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Lumber, shakes, shingles, lath veneer*, and *plywood*, from points in Curry, Coos, Jackson, Douglas, Lane, Linn, Marion and Josephine Counties, Oreg., to points in California, and (2) *chromite ore* from points in California to the United States Stockpile, near Grants Pass, Oreg., on return.

NO. MC 114823, JOHN L. HILL AND LAVERNE COLLUM, doing business as HILL BROS. FUEL OIL COMPANY, Post Office Box 1238, Kilgore, Texas. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry-Brooks Building, Austin, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crude petroleum*, in bulk, in tank vehicles between points in Texas.

No. MC 114833, JOSEPH J. RABASCO, doing business as GREAT WESTERN TRUCKING CO., 59 South 6th Ave., Mount Vernon, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th St., New York, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Animal feed*, such as bread, cracker meal, bone meal and fish meal, from the Bronx, N. Y., to points in that part of New York on and west of U. S. Highway 9, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return movement.

No. MC 114835, DULUTH, SOUTH SHORE AND ATLANTIC RAILROAD COMPANY, a corporation, 1734 First National Bank Building, Minneapolis 2, Minn. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including express, mail, newspapers, baggage, milk*, and *cream*, but excepting commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Superior, Wis., and Marquette, Mich., operating from Superior over U. S. Highway 2 to junction Michigan Highway 28, thence over Michigan Highway 28 to Marquette, and return over the same route, serving Iron River, Ashland, and Saxon, Wis., Ironwood, Bessemer, Wakefield, Bergland, Ewen, Bruce Crossing, Trout Creek, Kenton, Sidnaw, Watton, Covington, Nestoria, Michigamme, Champion, Ishpeming, and Negaunee, Mich., as intermediate or off-route points.

NO. MC 114838, SAGAMORE TRACTOR-TRAILER RENTING CORP., 111 Sagamore Road, Tuckahoe, N. Y. Applicant's attorney: Richard R. Schwartz, 82 — 39th Street, Brooklyn 32, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Television picture tubes*, from Yonkers, N. Y., to Fort Wayne, Ind., and Chicago and Zion, Ill.; *Television receiving sets*, from Fort Wayne, Ind., and Zion and Chicago, Ill., to points in Ohio, Pennsylvania, New Jersey, and New York; *Corrugated cartons*, knocked down flat, in bundles, from Fort Wayne, Ind., to Albion, Mich.; *Picture tube parts* (face plates), from Albion, Mich., to Corning, N. Y.; and *Glass television picture* tubes without fittings, from Corning, N. Y., to Yonkers, N. Y.

NO. MC 114841, ANSEL T. MATSON, Clinton, Minn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dry solid fertilizer*, between Winona, Minn., and points in Wisconsin.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 52293 Sub 11, CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, a corporation, 516 West Jackson Boulevard, Chicago 6, Ill. For authority to operate as a *common carrier*, transporting: *Passengers* and their *baggage*, and *express, newspapers* and *mail*, in the same vehicle with passengers, between junction U. S. Highway 10 and "Jack Rabbit Lane" near Belgrade, Mont., and, junction "Jack Rabbit Lane" and U. S. Highway 191 at Boze Hot Springs, Mont., over "Jack Rabbit Lane", serving no intermediate points, as an alternate route in connection with carrier's regular route operations between Three Forks, Mont., and Gallatin Gateway, Mont. Applicant is authorized to conduct operations in Illinois and Montana.

No. MC 114798, MAGOG AUTOBUS LIMITED, a corporation, 401 Main, East, Magog, Quebec, Canada. Applicant's attorney: Richard C. Drown; Pierce & Drown, Court House, Newport, Vt. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, in the same vehicle, in seasonal operations extending from the 1st day of June to the 15th day of September, both inclusive, of each year, between a point on the United States-Canadian International Boundary line at or near the port of entry of Beebe Plain, Vt., and Newport, Vt., over an unnumbered highway from the United States-Canadian International Boundary line to junction unnumbered highway, thence over said unnumbered highway to junction U. S. Highway 5, thence over U. S. Highway 5 to Newport, and return over the same route, serving no intermediate points, restricted to traffic originating at or destined to points in Canada.

No. MC 114824, McNAUGHTON AUTOMOTIVE LIMITED, Newbury, Ontario, Canada. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, from ports of entry on the United States-Canada International Boundary line located at or near Port Huron and Detroit, Mich., and Niagara Falls, N. Y., to points in New York and Michigan, and return to point of origin, restricted to traffic originating at points in Canada.

No. MC 114832, MURRAY COLING AND LESTER BRUNS, doing business as COLING & BRUNS, Nokomis, Ill. Applicant's attorney: Grover C. Hoff, 611–12 Ridgely Building, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers*, in charter service, from Nokomis, Pana, and Litchfield, Ill., to St. Louis, Mo., and return.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

No. MC–F–5743. Authority sought for purchase by JAMES A. LYTLE, doing business as LYTLE'S TRANSFER & STORAGE, 2309 Union Ave., Altoona, Pa., of a portion of the operating rights of RALPH A. RAIBLE, doing business as RAIBLE'S COMMERCIAL WAREHOUSE, Canan Station, Altoona, Pa. Applicants' attorney: Leo C. Mullen, 1311 12th St., Altoona, Pa. Operating rights sought to be transferred: *Household goods*, as defined by the Commission as a *common carrier*, over irregular routes, between points in Blair, Bedford, Huntingdon, Clearfield, and Cambria Counties, Pa., on the one hand, and, on the other, points in New Jersey, New York, Connecticut, Massachusetts, Delaware, Maryland, Virginia, North Carolina, South Carolina, West Virginia, Ohio, Indiana, Illinois, Michigan, and the District of Columbia. Vendee is authorized to operate in Pennsylvania, Maryland, New Jersey, New York, Ohio, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5748. Authority sought for purchase by V. H. FETTE, McCook, Nebr., of the operating rights and property of KENNETH F. KNIGHT, Glen Elder, Kans. Applicants' attorney: Arthur L. Claussen, 303 New England Bldg., Topeka, Kans. Operating rights sought to be transferred: *Buildings, complete knocked down or in sections, and all component parts and materials used in assembling, erection*, or *completion of such buildings, when shipped with same*, as a *common carrier*, over irregular routes, between points in Kansas, on the one hand, and, on the other, points in Colorado, and Nebraska. Vendee may conduct operations as a common carrier in the same states. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5751. P. W. KEELY—CONTROL; VALLEY FREIGHT LINES, INC. — PURCHASE — HAZEL M. FOULKE. Application has been filed under section 210a (b), in connection with the above-entitled proceeding. Notice of the filing of the application for purchase authority under section 5, Interstate Commerce Act, appears in the FEDERAL REGISTER, issue of July 28, 1954 page 4656.

No. MC–F–5755. Authority sought for purchase by S. A. MARKLEY, and LOREN G. MARKLEY, doing business as M. & M. TRUCK COMPANY OF WYOMING, Box 2050, Casper, Wyo., of the operating rights of CHARLES FOUCH, 913 So. Melrose St., Casper, Wyo. Applicants' attorney: Truman A. Stockton, Jr., 1650 Grant Street Bldg., Denver 3, Colo. Operating rights sought to be transferred: *Petroleum products* as a *common carrier*, (a) over regular routes,

from points in Kansas to Longmont, Colo., serving the intermediate point of Denver, Colo.; from Arkansas City, Hutchinson, and Shallow Water, Kans., to points in Colorado, serving the intermediate points of Augusta, Eldorado, Potwin, Wichita, McPherson, Great Bend, and Russell, Kans., those between Denver and Craig, including Denver, those between Dumont and Dillon, including Dillon, those between Denver and Ft. Lupton, including Denver, and those between Dillon and Fairplay, including Dillon; from Sinclair, Wyo., to Boulder, Colo., from Evansville, Wyo., to Boulder and Walden, Colo., and points in Colorado on U. S. Highway 40 from Craig to Limon, U. S. Highway 85 from Englewood to the Colorado-Wyoming State line, U. S. Highway 87 from Denver to the Colorado-Wyoming State line, U. S. Highway 6 from Denver to Ft. Morgan, and U. S. Highway 34 from Greeley to Wiggins; and (b) over irregular routes, from Denver, Colo., to Cheyenne, Rawlins, and Rock Springs, Wyo.; from Evansville, Wyo., to Brush, Colo.; from Glenrock, Wyo., to Ault, Berthoud, Denver, Eaton, Fort Collins, Greeley, Kersey, La Porte, Longmont, Loveland, Nunn, Platteville, Roberts Spur, and Wellington, Colo. Vendee is authorized to operate in Wyoming. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-6193; Filed, Aug. 10, 1954; 8:49 a. m.]

[4th Sec. Application 29552]

SUPERPHOSPHATE FROM SOUTHERN PRODUCING POINTS TO COFFEYVILLE, KANS.

APPLICATION FOR RELIEF

AUGUST 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Superphosphate (acid phosphate) other than ammoniated or defluorinated, in bulk, carloads.

From: Producing points in southern territory.

To: Coffeyville, Kans.

Grounds for relief: Rail competition, circuity, grouping, rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1433.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-6190; Filed, Aug. 10, 1954; 8:48 a. m.]

[4th Sec. Application 29553]

SUPERPHOSPHATE FROM THE SOUTH TO WESTERN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

AUGUST 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Superphosphate (acid phosphate) other than ammoniated or defluorinated, carloads.

From: Southern producing points.

To: Specified points in Iowa, Minnesota, Nebraska, Wisconsin, and South Dakota.

Grounds for relief: Rail competition, circuity, rates constructed on the basis of the short line distance formula, and additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1433.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-6191; Filed, Aug. 10, 1954; 8:48 a. m.]

[4th Sec. Application 29554]

SULPHURIC ACID FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO GULFPORT, MISS.

APPLICATION FOR RELIEF

AUGUST 6, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Fernwood & Gulf Railroad Company and Illinois Central Railroad Company.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Gulfport, Miss.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional route.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1357, supp. 50.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-6192; Filed, Aug. 10, 1954; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 4685]

KANSAS

LOAN ANNOUNCEMENT

JULY 30, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 51 B Wichita	$2,055,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 54-6160; Filed, Aug. 9, 1954; 8:54 a. m.]

[Administrative Order 4686]

MISSOURI

LOAN ANNOUNCEMENT

JULY 30, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 27 P Andrew	$105,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-6161; Filed, Aug. 9, 1954; 8:54 a. m.]

[Administrative Order 4687]

ALLOCATION OF FUNDS FOR LOANS

JULY 30, 1954.

I hereby amend:

(a) Administrative Order No. 860 dated October 2, 1944, by reducing the allocation of $9,000 therein made for "Virginia 5043S2 Hot Springs" by $878.56 so that the reduced allocation shall be $8,121.44.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 54-6162; Filed, Aug. 9, 1954; 8:54 a. m.]

[Administrative Order 4688]

ALABAMA

LOAN ANNOUNCEMENT

JULY 30, 1954.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Alabama 29K Greene	$445,000

[SEAL] R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 54-6163; Filed, Aug. 9, 1954; 8:54 a. m.]

[Administrative Order 4689]

ALLOCATION OF FUNDS FOR LOANS

JULY 30, 1954.

I hereby amend:

(a) Administrative Order No. 3865, dated November 18, 1952, by reducing the loan of $50,000 therein made for "Texas 104R Mitchell" by $2,165.13 so that the reduced loan shall be $47,834.87.

[SEAL] R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 54-6164; Filed, Aug. 9, 1954; 8:54 a. m.]